

EXHIBIT 1



Department of Justice
Canada

Ministère de la Justice
Canada

International Assistance Group/Service d'entraide internationale
284 rue Wellington Street
Ottawa, Ontario K1A 0H8

Telephone: 613-948-3018
Facsimile: 613-957-8412
Email: carol.belisle@justice.gc.ca

February 24, 2012

BY EMAIL

Office of International Affairs
U.S. Department of Justice
Bond Building, 8th Floor
1301 New York Ave., N.W.
Washington, D.C.
U.S.A. 20005

Attention: Roman Chaban

Dear Sir:

**Re: URGENT Request for Assistance to Canada from the United States in the
Matter of Henry Carl ROSENAU
Your Reference: 182-38867
Our Reference: 8550-R44**

We are in receipt of your request for assistance dated February 9, 2012, which is made pursuant to *The Treaty between the Government of Canada and the Government of the United States of America on Mutual Legal Assistance in Criminal Matters*.

The request relates to allegations of manufacture, distribution, dispensing, or possessing with intent to manufacture, distribute, or dispense a controlled substance; importation of controlled substances; and attempt and conspiracy.

The American authorities are requesting:

- The testimony of fifteen (15) Royal Canadian Mounted Police ("RCMP") officers at the trial in this matter in the US;
- The testimony of a Canada Border Services Agency ("CBSA") officer at the trial;
- Records from CBSA;
- The testimony of a Transport Canada ("TC") officer at the trial;
- Records from TC;
- The compelled depositions of two witnesses; and
- Permission for the prosecutors, the investigator, the defendant's lawyer and the defendant to attend the deposition in Canada.

For reasons of public interest we cannot accede to your request to have the defendant personally attend the witness depositions in Canada. It is however possible, pursuant to Canadian law, for Mr. ROSENAU to participate via video link. At your earliest convenience, kindly indicate whether the US authorities may be interested in pursuing this possibility.

Canada

Another alternative would be for the witnesses to provide testimony at trial by videolink from a location in Canada, thereby eliminating the need for the US authorities to travel to Canada. Kindly indicate whether the US authorities would be interested in pursuing this possibility.

Further, upon review of your request, some questions have arisen. It would be helpful if you could provide answers to the following:

1. Could you confirm that the US authorities are not seeking the testimony of RCMP Sergeant Rob Jones? He is mentioned on page 4 as having information material to the case, however, his name is not included in the list of names of officers from whom testimony is requested in the request portion (nor is there a subpoena attached in his name).
2. The request states on page 5 that RCMP member Robert Young has information material to the case. Could you tell us what specific information he is expected to be able to provide? It does not appear to have been specified in the request.
3. Could you confirm the spelling for RCMP member Rick Poulson/Paulson? It is spelled in those two different variations in the request. Please confirm the spelling and that the references are all in relation to one individual.
4. Your request asks that two witnesses be required to attend depositions in Canada. However, it also states that one of the witnesses, Kip Whelpley, is a cooperating witness and is willing to testify. Could you confirm that it is necessary for him to be compelled to attend the deposition?
5. Further, the US authorities request that Canada allow the depositions to be video recorded. Could you confirm whether the US authorities will bring the necessary equipment with them to videotape the depositions?
6. The request states that RCMP Corporal Dennis Piper reviewed and saved surveillance videotape which is relevant to this matter. Please confirm that you are not seeking the surveillance videotape, but simply Cpl. Piper's testimony, notes, and papers in relation to his review of it. Should the videotape itself be sought, kindly indicate the certification requirements for this evidence.
7. Could you confirm what information Cpl. Piper is expected to have information in relation to the events that occurred on September 21, 2005? Although he is not mentioned in the factual description for that date, at the bottom of the section, it is indicated that he has information material to the case.
8. Further, we understand that Cpl. Piper had some role in relation to the GPS device that was seized from aircraft C-FBKM (C-FRKM) on September 21, 2005. Please confirm that you are not seeking the GPS device, but simply Cpl. Piper's testimony, notes, and papers in relation to his review of the data obtained from the GPS device.
9. Regarding the information sought in relation to the aircraft, two of the helicopters are only mentioned in the request portion (C-GTAK and C-GZAR). Could you indicate the

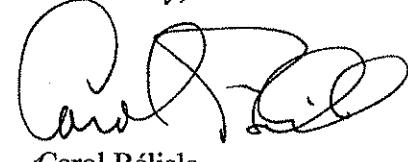
basis for belief that records in the possession of TC with respect to the aircraft C-GTAK and C-GZAR will afford evidence of the commission of the alleged offences in the US?

10. We note that although aircraft C-GAIA is referenced in the request (page 6), the US authorities do not appear to be seeking records in relation to that aircraft. Could you confirm that this is correct? As the US authorities are seeking the testimony of an officer who observed the flight of the aircraft on August 23, 2005 (RCMP Constable Brent Brooks), is it believed to have been used in the commission of the alleged offences?
11. Do the US authorities request that the witnesses bring the requested records with them when they attend to testify in the US?

Please be advised that we have requested that the RCMP locate the RCMP members whose testimony is sought to confirm the upcoming trial date. Further, we are sending the request to CBSA, TC, and to the appropriate authorities in Alberta and British Columbia for review, subject to the questions above.

We look forward to receiving your response and trust this will be satisfactory. If you have any questions, please do not hesitate to contact me.

Yours truly,



Carol Bélisle
A/Senior Counsel
International Assistance Group, Litigation Branch

Encl.

CB/td

EXHIBIT 2

SUPERVISORS CHECKLIST FOR THE REPORT TO PROSECUTOR

Accused: LY, BILL
 Primary Investigator: DET KD CARRIERE
 TARGETED ENFORCEMENT UNIT
 Inspector: INSP C O'BRIEN Reg#: 3124

Case No: 09112050
 Reg#: 3281
 403-428-8390

	Attache
Report to Prosecutor (printout from CASE)	Y N
All Witness Statements (always required)	Y N
Statements of Other Persons with Information	Y N
Police Notes and Will State (always required)	Y N
Prisoner Observation Log (always required)	Y N
Accused Statement: Written	Copy (always required) Y N
Oral	Copy of Notes (always required) Y N
	Copy of Tape Y N
	Summary of Taped Statement Y N
	(always required)

Photographs or Videos (describe: e.g. line-up, scene, surveillance)

1. _____	Y N
2. _____	Y N
3. _____	Y N

Y.O.A.	Y N
If Yes	Notice to Parent Y N
	Waiver Y N

Driving Offence	Y N
If Required:	Suspended Driver (MOVES printout) Y N
	Breath/Blood Certificates (incl. check sheet) Y N
	Second Offender Notice Y N
	Accident Reports Y N
	Event Chronology (Criminal Driving Offences Only) Y N

Other Describe: (probation order, release documentation, affidavit)	Y N
1. _____	Y N
2. _____	Y N
3. _____	Y N

CPIC/Criminal Record (attach even if negative)	Y N
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Explain any Missing Documentation/Remarks: _____

Supervisors Signature:

Reg#:

Date:

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REPORT TO PROSECUTOR COVER SHEET

Complaint#: 09112050

Complaint#: 09112050

Accused: LY, BILL

Charges: POSSESSION OF RESTRICTED/PROHIBITED WEAPON WITH AMMUNITION
POSSESSION OF RESTRICTED/PROHIBITED WEAPON WITH AMMUNITION
POSSESSION OF RESTRICTED/PROHIBITED WEAPON WITH AMMUNITION
POSSESSION OF WEAPON OR IMITATION FOR A DANGEROUS PURPOSE
POSSESSION OF WEAPON OR IMITATION FOR A DANGEROUS PURPOSE
POSSESSION OF WEAPON OR IMITATION FOR A DANGEROUS PURPOSE
POSSESSION OF WEAPON OR IMITATION FOR A DANGEROUS PURPOSE
POSSESSION OF WEAPON OR IMITATION FOR A DANGEROUS PURPOSE
UNAUTHORIZED POSSESSION OF FIREARM/WEAPON/AMMUNITION IN MOTOR
CONTRAVIENMENT OF FIREARMS ACT RE: STORAGE, HANDLING, TRANSPOR
POSSESS FIREARM KNOWING SERIAL NUMBER ALTERED, DEFACED OR REM
KNOWING POSSESSION OF PROHIBITED/RESTRICTED WEAPON OTHER THAN
KNOWING POSSESSION OF PROHIBITED/RESTRICTED WEAPON OTHER THAN
KNOWING POSSESSION OF PROHIBITED/RESTRICTED WEAPON OTHER THAN
UNAUTHORIZED POSSESSION OF FIREARM
UNAUTHORIZED POSSESSION OF FIREARM
UNAUTHORIZED POSSESSION OF FIREARM
UNAUTHORIZED POSSESSION OF FIREARM
POSSESSION OF RESTRICTED/PROHIBITED WEAPON WITH AMMUNITION
UNAUTHORIZED POSSESSION OF FIREARM

Accused: HA, WAYNE

Charges: POSSESSION OF RESTRICTED/PROHIBITED WEAPON WITH AMMUNITION
POSSESSION OF WEAPON OR IMITATION FOR A DANGEROUS PURPOSE
POSSESSION OF WEAPON OR IMITATION FOR A DANGEROUS PURPOSE
POSSESSION OF WEAPON OR IMITATION FOR A DANGEROUS PURPOSE
POSSESSION OF WEAPON OR IMITATION FOR A DANGEROUS PURPOSE
POSSESSION OF WEAPON OR IMITATION FOR A DANGEROUS PURPOSE
UNAUTHORIZED POSSESSION OF FIREARM/WEAPON/AMMUNITION IN MOTOR
CONTRAVIENMENT OF FIREARMS ACT RE: STORAGE, HANDLING, TRANSPOR
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CONTRAVIENMENT OF FIREARMS ACT RE: STORAGE, HANDLING, TRANSPOR

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Complaint #: 09112050

CONTRAVIENENT OF FIREARMS ACT RE: STORAGE, HANDLING, TRANSPOR
CONTRAVIENENT OF FIREARMS ACT RE: STORAGE, HANDLING, TRANSPOR
POSSESS FIREARM KNOWING SERIAL NUMBER ALTERED, DEFACED OR REM
KNOWING POSSESSION OF PROHIBITED/RESTRICTED WEAPON OTHER THAN
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KNOWING POSSESSION OF PROHIBITED/RESTRICTED WEAPON OTHER THAN
UNAUTHORIZED POSSESSION OF FIREARM
UNAUTHORIZED POSSESSION OF FIREARM/WEAPON/AMMUNITION IN MOTOR

Accused: MIRABACK, ZACHARY MEGID

Charges: POSSESSION OF RESTRICTED/PROHIBITED WEAPON WITH AMMUNITION
POSSESSION OF WEAPON OR IMITATION FOR A DANGEROUS PURPOSE
POSSESSION OF WEAPON OR IMITATION FOR A DANGEROUS PURPOSE
POSSESSION OF WEAPON OR IMITATION FOR A DANGEROUS PURPOSE
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POSSESSION OF WEAPON OR IMITATION FOR A DANGEROUS PURPOSE
POSSESS FIREARM KNOWING SERIAL NUMBER ALTERED, DEFACED OR REM
UNAUTHORIZED POSSESSION OF FIREARM/WEAPON/AMMUNITION IN MOTOR
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UNAUTHORIZED POSSESSION OF FIREARM/WEAPON/AMMUNITION IN MOTOR
CONTRAVIENENT OF FIREARMS ACT RE: STORAGE, HANDLING, TRANSPOR
KNOWING POSSESSION OF PROHIBITED/RESTRICTED WEAPON OTHER THAN
KNOWING POSSESSION OF PROHIBITED/RESTRICTED WEAPON OTHER THAN
KNOWING POSSESSION OF PROHIBITED/RESTRICTED WEAPON OTHER THAN
POSSESSION OF WEAPON CONTRARY TO PROHIBITION ORDER
UNAUTHORIZED POSSESSION OF FIREARM
UNAUTHORIZED POSSESSION OF FIREARM/WEAPON/AMMUNITION IN MOTOR
UNAUTHORIZED POSSESSION OF FIREARM/WEAPON/AMMUNITION IN MOTOR

Accused: NAVOS, CHRISTIAN JON

Charges: POSSESSION OF RESTRICTED/PROHIBITED WEAPON WITH AMMUNITION

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REPORT TO PROSECUTOR COVER SHEET

Complaint#: 09112050

POSSESSION OF RESTRICTED/PROHIBITED WEAPON WITH AMMUNITION
POSSESSION OF RESTRICTED/PROHIBITED WEAPON WITH AMMUNITION
POSSESSION OF RESTRICTED/PROHIBITED WEAPON WITH AMMUNITION
POSSESSION OF WEAPON OR IMITATION FOR A DANGEROUS PURPOSE
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UNAUTHORIZED POSSESSION OF FIREARM/WEAPON/AMMUNITION IN MOTOR
CONTRAVIENUE OF FIREARMS ACT RE: STORAGE, HANDLING, TRANSPOR
POSSESS FIREARM KNOWING SERIAL NUMBER ALTERED, DEFACED OR REM
KNOWING POSSESSION OF PROHIBITED/RESTRICTED WEAPON OTHER THAN
KNOWING POSSESSION OF PROHIBITED/RESTRICTED WEAPON OTHER THAN
KNOWING POSSESSION OF PROHIBITED/RESTRICTED WEAPON OTHER THAN
UNAUTHORIZED POSSESSION OF FIREARM
UNAUTHORIZED POSSESSION OF FIREARM/WEAPON/AMMUNITION IN MOTOR

Accused: NGUYEN, DANG NGOC

Charges: POSSESSION OF RESTRICTED/PROHIBITED WEAPON WITH AMMUNITION
POSSESSION OF RESTRICTED/PROHIBITED WEAPON WITH AMMUNITION
POSSESSION OF RESTRICTED/PROHIBITED WEAPON WITH AMMUNITION
POSSESSION OF WEAPON OR IMITATION FOR A DANGEROUS PURPOSE
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REPORT TO PROSECUTOR COVER SHEET

Complaint#: 09112050

POSSESSION OF WEAPON CONTRARY TO PROHIBITION ORDER
KNOWING POSSESSION OF PROHIBITED/RESTRICTED WEAPON OTHER THAN
POSSESSION OF RESTRICTED/PROHIBITED WEAPON WITH AMMUNITION

Offence Date: 2009/04/01

Primary Investigator:

DET KD CARRIERE
HOMICIDE UNIT

3281
403-428-8390

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SYNOPSIS

Complaint#: 09112050

ON 09/04/01 AT APPROX. 1432 HRS, CALGARY POLICE RECEIVED A PHONE CALL FROM A RESIDENT IN THE RIVERBEND AREA WHO OBSERVED 2 MALES WALKING TOWARDS CARBURN PARK IN THE AREA NEAR 26 RIVERSIDE WY SE. THE CALLER STATED THAT ONE OF THE MALES WAS ATTEMPTING TO CONCEAL A RIFLE IN HIS JACKET.

POLICE RESPONDED AND BEGAN TO CIRCULATE THE AREA AND WHILE DOING SO CST ROBINSON ATTENDED TO THE PARKING LOT AREA OF CARBURN PARK IN THE 8900 BLOCK OF RIVERVIEW DR SE. A MALE APPROACHED CST ROBINSON AND BEGAN POINTING TO THE GREEN SPACE BEHIND THE PARKING LOT STATING HE OBSERVED TWO MALES RUNNING IN THE DIRECTION TOWARDS RIVERSIDE CL SE, ONE MALE WAS DRESSED IN ALL BLACK CLOTHING AND APPEARED ASIAN WITH SPIKEY HAIR.

CST SMITH LOCATED A GROUP OF 5 ASIAN MALES RUNNING NORTHBOUND OUT OF RIVERSIDE CL SE MINUTES LATER AND FOLLOWED THEM DOWN AN ALLEY WHERE HE APPROACHED THE GROUP BEHIND 27 RIVERSIDE CL SE AS THEY MATCHED THE DESCRIPTION UPDATED ON THE CALL.

CST JOHNSTON ARRIVED SHORTLY AFTER TO BACK UP CST SMITH AND BEGAN TO QUESTION THE GROUP AS TO WHAT THEY WERE DOING IN THE AREA. CST SMITH DETAINED A MALE, LATER IDENTIFIED AS DANNY (DANG) NGUYEN AND PLACED HIM IN HIS POLICE VEHICLE AS IT WAS DISCOVERED THAT A WARRANT WAS OUTSTANDING FOR NGUYEN'S ARREST ON A TRAFFIC OFFENCE.

CST JOHNSTON BEGAN TO CONDUCT CPIC CHECKS ON THE REMAINING FOUR (4) MALES AND NOTICED THAT ONE OF THE MALES WAS A KNOWN GANG MEMBER, BILL LY. AT THIS POINT BACKUP UNITS WERE REQUESTED AS THE MALES HAD NOT BEEN SEARCHED AND EARLIER INDICATION ON THE CALL WAS THAT A FIREARM WAS POSSIBLY INVOLVED. LY WAS ARRESTED ON AN UNRELATED TRAFFIC OFFENCE WARRANT BY CST HARWOOD AND CST CHUDY AND TRANSPORTED TO THE ARREST PROCESSING UNIT.

WHILE DEALING WITH THE MALES, OTHER CPS MEMBERS HAD LOCATED THE ACTUAL CULPRITS WITH A PELLET RIFLE IN CARBURN PARK. THESE MALES WERE FOUND NOT TO BE ASSOCIATED TO THE GROUP BEING CHECKED.

AT THIS POINT NOTHING FURTHER COULD BE DONE WITH THE REMAINING 3 OF THE 5 MALES AND THE FOLLOWING MALES WERE RELEASED AT THE SCENE:

WAYNE HA	DOB:	
CHRISTIAN NAVOS	DOB:	
ZACHARY MIRABACK	DOB:	

SHORTLY AFTER CLEARING THE SCENE, CST JOHNSTON SPOKE TO CST SMITH WHO HAD INITIALLY DETAINED NGUYEN AND TRANSPORTED HIM TO 6 DISTRICT OFFICE TO DEAL WITH HIS WARRANTS.

CST SMITH STATED THAT HE HAD CONVERSATION WITH DET. PROCEE AND IT WAS DETERMINED THAT AN AREA SEARCH SHOULD BE CONDUCTED WHERE THE FIVE (5) MALES WERE DETAINED AS THEY MAY BE RESPONSIBLE FOR WEAPONS OFFENCES AND/OR HAVE A VEHICLE DUMPED IN THE AREA DUE TO THE FACT THEY WERE SEEN

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SYNOPSIS

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FLEEING THE AREA OF CARBURN PARK ON FOOT.

CST JOHNSTON RETURNED TO THE ALLEY BEHIND 27 RIVERSIDE CL SE AND AN AREA SEARCH WAS CONDUCTED UTILIZING FIVE CPS MEMBERS AND A K9 MEMBER. A TRACK LED TO THE DISCOVERY OF A PAIR OF BLACK WOOL GLOVES FOUND IN THE DIRECT VICINITY OF WHERE THE MALES HAD INITIALLY BEEN LOCATED BY CST SMITH. SOUTH OF THAT LOCATION BEHIND 7 RIVERSIDE CL SE WAS A PAIR OF MENS EXTRA LARGE BLACK TRACK PANTS WITH A WHITE STRIPE DOWN THE SIDES NEAR A GARBAGE CONTAINER. ALSO OBSERVED NEAR THE GARBAGE CONTAINER WERE FOOTPRINTS IN THE SNOW WHICH APPEARED TO BE OF NIKE SHOX FOOTWEAR WHICH HAVE A DISTINCTIVE SET OF FOUR (4) SHOCK ABSORBERS ON THE HEEL OF THE SHOE.

DURING THE ENTIRE TRACK THIS DISTINCTIVE PRINT ALONG WITH SEVERAL OTHER FOOTWEAR PRINTS WERE OBSERVED IN THE SNOW BY K-9 CST WILLIAMS AND OTHER MEMBERS PRESENT. CST DENTANDT OBSERVED WAYNE HA TO BE WEARING NIKE SHOX FOOTWEAR UPON HIS INITIAL DEALINGS WITH THE GROUP BEHIND 27 RIVERSIDE CL SE. AT #3 RIVERSIDE CL SE ON THE SOUTHEAST SIDE OF THE LAWN A PAIR OF GARDEN STYLE WOOL GLOVES, WHITE IN COLOUR WITH A YELLOW STRIPE AROUND THE WRIST OPENING WERE FOUND.

THE TRACK CONTINUED TO THE OPENING OF CARBURN PARK AND THROUGH THE GREEN SPACE LEADING TO THE PARKING LOT IN A SOUTHEAST DIRECTION. NEAR THE PARKING LOT NEAR IN THE NORTHEAST CORNER BEHIND A SILVER MINI VAN WHICH WAS BACKED INTO A STALL WAS A BLACK BALACLAVA LAYING IN THE GRASS. ALL THESE ITEMS WERE SEIZED BY CST DENTANDT AND HIS PARTNER.

THE SILVER MINI VAN WAS BEARING AB PLATE M17537 AND SHOWED REGISTERED TO A BUSINESS, HOWEVER NO VEHICLE PARTICULARS WERE ASSOCIATED TO THE PLATE. A CPIC QUERY WAS CONDUCTED ON THE VIN NUMBER AND THE VAN SHOWED AS A 2000 GMC SAFARI VAN, SILVER IN COLOUR. UPON LOOKING INSIDE THE VAN THROUGH THE PASSENGER SIDE WINDOWS A PIECE OF CARPET WAS FOLDED OVER IN THE MIDDLE AND THE BARREL OF A LONG RIFLE COULD BE SEEN IN PLAIN VIEW. OTHER MEMBERS PRESENT OBSERVED BODY ARMOUR IN THE REAR PART OF THE VAN, ALSO IN PLAIN VIEW. ON THE BACK SEAT A PAIR OF WHITE GARDEN STYLE GLOVES WITH A YELLOW RING AROUND THE WRIST AREA COULD BE SEEN.

IT ALSO APPEARED BEHIND THE DRIVER'S SEAT OF THIS VEHICLE THAT A BOX OF AMMUNITION WAS PLACED AT THE BASE OF THE SEAT.

GIVEN THE FACT THAT SOME OF THE MALES HAD BEEN OBSERVED RUNNING FROM THE PARKING LOT AREA EARLIER AND THE CLOTHING ITEMS LOCATED ALONG THE K-9 TRACK, AS WELL AS THE SIMILAR ITEMS LOCATED IN THE VAN AS WELL AS THE BODY ARMOR AND FIREARM THE VEHICLE WAS SEIZED AND CONTINUITY MAINTAINED FROM 1725 HRS UNTIL BEING TAKEN TO 75 HERITAGE RO SW FOR CRIME SCENES UNIT, CONTINUITY COMPLETED AT 1911 HRS BY CST VOTH AND VELLA.

ON 2009/04/02 A SEARCH WARRANT WAS EXECUTED ON THE SAFARI VAN AND A NUMBER OF FIREARMS WERE LOCATED INSIDE INCLUDING A REMINGTON MODEL 29 SHOTGUN (SAWED OFF), A REMINGTON 870 EXPRESS SHOTGUN, AN HK93 ASSAULT RIFLE, A SMITH & WESSON 40 CALIBRE HANDGUN (SERIAL NUMBER REMOVED), AND

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A GLOCK 17 9 MM HANDGUN. ALSO FOUND IN THE VEHICLE WERE FOUR PIECES OF BODY ARMOUR, SEVERAL BANDANAS, RECENTLY PURCHASED CLOTHING FROM WALMART (TAGS STILL PRESENT IN THE VAN), AND RUNNING SHOES.

UPON EXAMINING THE FIREARMS IT WAS DETERMINED THE TWO HANDGUNS AND THE ASSAULT RIFLE HAD EXTENDED MAGAZINES MAKING THEM A PROHIBITED DEVICE. THE SMITH & WESSON HANDGUN WAS SHORTER THAN THE MINIMUM REQUIRED LENGTH AND IS, THEREFORE, ALSO CONSIDERED A PROHIBITED FIREARM. THE SAWED OFF SHOTGUN IS CONSIDERED A PROHIBITED FIREARM.

BASED ON THE TRACK CONDUCTED BY CANINE THE SUSPICIOUS ACTIVITY OF THE CULPRITS, THEIR RELATED GANG ASSOCIATION, IT IS BELIEVED THAT THE FIVE CULPRITS PARKED THE VAN AND DEPARTED FROM IT A SHORT TIME PRIOR TO CPS RESPONDING TO THE UNRELATED INCIDENT. IT IS BELIEVED ALL FIVE WERE IN THE MOTOR VEHICLE, AND AS THERE WAS NO REAR BENCH SEAT, THE CULPRITS LITERALLY WOULD HAVE BEEN STANDING OR SITTING ON OR NEXT TO THE ASSAULT RIFLE AND THE TWO SHOTGUNS. THE CHEAP NEWLY PURCHASED CLOTHING AND SHOES INDICATE TO POLICE THAT THESE GARMENTS WOULD BE USED AS THROW AWAY CLOTHING IF THEY WERE INVOLVED IN A VIOLENT ACT USING THE FIREARMS.

DANG NGUYEN AND ZACHARY MIRABACK ARE BOTH PROHIBITED FROM POSSESSING ANY FIREARM IN RESPONSE TO CONVICTIONS UNDER THE CDSA AND CRIMINAL CODE RESPECTIVELY. ALL OTHER OCCUPANTS DID NOT POSSESS A FIREARMS LICENSE.

THE CRIME SCENES UNIT PROCESSED THE VAN AND HAS LOCATED SEVERAL FINGERPRINTS. THESE PRINTS HAVE BEEN FORENSICALLY COMPARED TO THE ACCUSED. DNA SWABS HAVE BEEN COLLECTED AND THE RESULTS ARE PENDING.

2009/04/30 DET CARRIERE #3281/TARGET: (11139)

A FINGERPRINT ANALYSIS CONDUCTED ON THE PLASTIC WAL-MART BAGS FOUND WITHIN THE VAN HAS DETERMINED THAT DANG NGUYEN WAS IN POSSESSION OF THOSE BAGS. CLOTHING TAGS WITHIN THE VAN HAVE BEEN IDENTIFIED AS COMING FROM WAL-MART AND DANG NGUYEN WAS CONFIRMED TO BE WEARING A SET OF SHOES CONSISTENT WITH THE MAKE AND SIZE OF THOSE SOLD BY WAL-MART.

A FOOTPRINT ALSO LOCATED ON THE WAL-MART BAG IS CONSISTENT WITH THE TREAD PATTERN OF THE FOOTWEAR WORN BY NGUYEN AT THE TIME OF HIS ARREST.

2009/09/29 - DET CARRIERE 3281 / TEU (8322)

ON 2009/05/08 FORENSIC ANALYSIS REPORTS THAT THE DNA OF DANG NGUYEN WAS PRESENT ON AN ARMOURED VEST, HOODIE AND BANDANA FOUND WITHIN THE SAFARI VAN. THE BLOOD ON THE LOWER PORTION OF THE SAME BALISTIC VEST WAS DETERMINED TO MATCH THE CAST OFF SAMPLE OF DNA OBTAINED FROM DARLENE BONTOGON, THE GIRLFRIEND OF DANG NGUYEN. IT IS BELIEVED THIS BLOOD WAS TRANSFERRED TO THE VEST WHEN BONTOGON WAS SHOT IN THE WINTER OF 2008 WHILE DRIVING WITH DANG ON DEERFOOT TR. (CROSS REFERENCE CASE # 08427769).

ADDITIONAL FORENSIC ITEMS SENT TO THE CRIME LAB INCLUDES WHITE

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SYNOPSIS

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GLOVES, A BLACK BALACLAVA, AND FIREARM SWABS. DNA PROFILES OBTAINED FROM THE GLOVES MATCHED THAT OF BOTH CHRISTIAN NAVOS, WAYNE HA, AND ZACHARY MIRABACK. THE BLACK BALACLAVA WHICH WAS FOUND IMMEDIATELY OUTSIDE THE REAR OF THE SAFARI VAN WAS DEEMED TO BE CONSISTENT WITH THAT OF MIRABACK. ANALYSIS OF THE BLACKBERRY WITHIN THE SAFARI VAN APPEARS THAT THE BLACKBERRY WAS REPORTED STOLEN TO ROGERS IN 2007. PRODUCTION ORDERS ON BOTH THE BLACKBERRYS AND THE CELL PHONE ARE STILL PENDING.

2009/10/22 DET CARRIERE #3281/TEU: (11139)

ON 2009/10/22 BOTH ZACHARY MIRABACK AND WAYNE HA WERE ARRESTED AT THEIR RESIDENCE AND TRANSPORTED TO THE ANDREW DAVISON BUILDING. ONCE INTERVIEWED THEY WERE TRANSPORTED TO THE ARREST PROCESSING SECTION AND CHARGED.

WARRANTS WILL BE ISSUED FOR CHRISTIAN NAVOS.

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INVESTIGATIVE DETAILS

Complaint#: 09112050

USING A COMMERCIAL TAPE MEASURE AND ISSUED MEASURING ROD FROM THE CANADIAN FIREARMS CENTRE THE FOLLOWING FIREARMS WERE EXAMINED AND COMPARED TO THE RCMP REFERENCE TABLE (FRT). THE RCMP FIREARMS REFERENCE TABLE IS A COMPUTER DATABASE THAT IS A REFERENCE TOOL USED BY LAW ENFORCEMENT AGENCIES FOR FIREARMS DESCRIPTIONS AND LEGAL CLASSIFICATIONS WITHIN CANADA TO ASSIST IN IDENTIFYING FIREARMS.

UPON EXAMINING THE SMITH & WESSON MODEL SW40VE SIGMA SEMI AUTOMATIC HANDGUN IT WAS DETERMINED THAT THE HANDGUN WAS CAPABLE OF FIRING 40 CALIBRE AMMUNITION. UPON FIELD STRIPPING THE FIREARM, THE INDIVIDUAL BARREL WAS EXAMINED AND MEASURED USING A COMMERCIAL TAPE MEASURE AND ITS LENGTH WAS DETERMINED TO BE APPROXIMATELY 105MM IN LENGTH. AN FRT QUERY REVEALED THAT FIREARM IS ONLY MANUFACTURED TO HAVE A 102MM BARREL AND IS CLASSIFIED AS A PROHIBITED FIREARM IN CANADA AS DEFINED IN SECTION 84 OF

THE CRIMINAL CODE WHICH STATES:

"PROHIBITED FIREARM" MEANS

(A) A HANDGUN THAT
(I) HAS A BARREL LENGTH EQUAL TO OR LESS THAN 105MM IN LENGTH

IT WAS ALSO OBSERVED THAT THE SERIAL NUMBER HAD BEEN REMOVED FROM THE FIREARM.

UPON EXAMINING THE GLOCK MODEL 17 SEMI AUTOMATIC HANDGUN IT WAS DETERMINED THAT THE HANDGUN WAS CAPABLE OF FIRING 9MM AMMUNITION. UPON FIELD STRIPPING THE FIREARM, THE INDIVIDUAL BARREL WAS EXAMINED AND MEASURED USING A COMMERCIAL TAPE MEASURE AND ITS LENGTH WAS DETERMINED TO BE APPROXIMATELY 115MM IN LENGTH. THIS FIREARM IS CLASSIFIED AS A RESTRICTED FIREARM UNDER SECTION 84 OF THE CRIMINAL CODE WHICH STATES:

"RESTRICTED FIREARM" MEANS

(A) A HANDGUN THAT IS NOT A PROHIBITED FIREARM

THE SERIAL NUMBER WAS OBSERVED TO BE BLM285US. A CPIC/CFRO INQUIRY REVEALED THAT THIS FIREARM IS NOT CURRENTLY REGISTERED IN CANADA.

AN EXAMINATION OF THE REMINGTON MODEL 29 PUMP ACTION SHOTGUN REVEALED THAT THE BARREL APPEARED TO HAVE BEEN ALTERED. CUT MARKS AND AN UNEVEN BARREL WOULD SUGGEST THAT IT HAD BEEN ALTERED BY A CUTTING TOOL. USING A COMMERCIAL TAPE MEASURE AND ISSUED MEASURING ROD THE BARREL WAS MEASURED TO BE APPROXIMATELY 446MM IN LENGTH. THE OVERALL LENGTH WAS DETERMINED TO BE APPROXIMATELY 734MM IN LENGTH. THIS FIREARM WAS CLASSIFIED AS PROHIBITED AS DEFINED IN SECTION 84 OF THE CRIMINAL CODE WHICH STATES:

"PROHIBITED FIREARM" MEANS

B) A FIREARM THAT IS ADAPTED FROM A RIFLE OR SHOTGUN, WHETHER BY SAWING, CUTTING OR ANY OTHER ALTERATION, AND THAT, AS SO ADAPTED,
(II) IS 660MM OR GREATER IN LENGTH AND HAS A BARREL LESS THAN 457MM IN LENGTH,

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THIS SHOTGUN IS CAPABLE OF FIRING 12 GAUGE AMMUNITION AS MARKED ON THE FIREARM. THE SERIAL NUMBER WAS OBSERVED TO BE 5143. A CPIC/CFRO INQUIRY REVEALED THAT THIS FIREARM IS NOT CURRENTLY REGISTERED IN CANADA.

AN EXAMINATION OF THE HECKLER & KOCH MODEL HK93 SEMIAUTOMATIC RIFLE REVEALED THAT THIS FIREARM WAS CAPABLE OF FIRING 5.56MM AMMUNITION. USING A COMMERCIAL TAPE MEASURE AND ISSUED MEASURING ROD IT WAS DETERMINED THAT THE BARREL LENGTH WAS APPROXIMATELY 393MM IN LENGTH WITHOUT THE FLASH SUPPRESSOR. THE OVERALL LENGTH WAS DETERMINED TO BE APPROXIMATELY 765MM IN LENGTH. AN FRT QUERY REVEALED THAT THIS PARTICULAR FIREARM IS CLASSIFIED AS A PROHIBITED FIREARM. SECTION 84 OF THE CRIMINAL CODE STATES:

"PROHIBITED FIREARM" MEANS

(D) ANY FIREARM THAT IS PRESCRIBED TO BE A PROHIBITED FIREARM.

THE SERIAL NUMBER WAS OBSERVED TO BE A120105. A CPIC/CFRO INQUIRY REVEALED THAT THIS FIREARM IS NOT CURRENTLY REGISTERED IN CANADA.

AN EXAMINATION OF THE REMINGTON MODEL 870 EXPRESS MAGNUM PUMP ACTION SHOTGUN REVEALED THAT IT WAS CAPABLE OF FIRING 12 GAUGE AMMUNITION. USING A COMMERCIAL TAPE MEASURE AND ISSUED MEASURING ROD IT WAS DETERMINED THAT THE BARREL LENGTH WAS APPROXIMATELY 478MM IN LENGTH. THE OVERALL LENGTH WAS APPROXIMATELY 765MM IN LENGTH. THIS FIREARM IS CLASSIFIED AS A NON RESTRICTED FIREARM AS PER THE RCMP FIREARMS REFERENCE TABLE.

THE SERIAL NUMBER WAS REVEALED TO BE A341491M. A CPIC/CFRO INQUIRY REVEALED THAT THIS FIREARM IS NOT CURRENTLY REGISTERED IN CANADA.

THE MAGAZINES FOUND WITH THE TWO HANDGUNS WERE EXAMINED BY SGT. JIM EDWARDS OF THE CALGARY POLICE SERVICE IDENTIFICATION SECTION. HE REMOVED AND COUNTED THE ROUNDS FROM EACH MAGAZINE AND IT WAS DETERMINED THAT THE MAGAZINES EXCEEDED THE LEGAL CAPACITY AS DEFINED IN SECTION 84 OF THE CRIMINAL CODE WHICH STATES:

PART 4 - PROHIBITED DEVICES

ANY CARTRIDGE MAGAZINE THAT IS CAPABLE OF CONTAINING MORE THAN 10 CARTRIDGE OF THE TYPE FOR WHICH THE MAGAZINE WAS ORIGINALLY DESIGNED AND THAT IS DESIGNED OR MANUFACTURED FOR THE USE IN A SEMI-AUTOMATIC HANDGUN THAT IS COMMONLY AVAILABLE IN CANADA.

THE MAGAZINE FROM THE RIFLE WAS REMOVED FROM SGT. JIM EDWARDS OF THE CALGARY POLICE SERVICE IDENTIFICATION SECTION. HE REMOVED AND COUNTED THE ROUNDS FROM EACH MAGAZINE AND IT WAS DETERMINED THAT THE MAGAZINES EXCEEDED THE LEGAL CAPACITY AS DEFINED IN SECTION 84 OF THE CRIMINAL CODE WHICH STATES:

PART 4

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PROHIBITED DEVICES

3.(1) ANY CARTRIDGE MAGAZINE

(A) THAT IS CAPABLE OF CONTAINING MORE THAN FIVE CARTRIDGES OF THE TYPE FOR WHICH THE MAGAZINE WAS ORIGINALLY DESIGNED AND THAT IS DESIGNED OR MANUFACTURED FOR USE IN

(II) A SEMI-AUTOMATIC FIREARM OTHER THAN A SEMI -AUTOMATIC HANDGUN.

CST. JEFF VAN CAEYZEELE 3466

2009 APRIL 2

2009/04/06 DET LOTZER #3485:

ON 2009/04/06, DET LOTZER AND CARRIERE #3281 ATTENDED CORRAL AUTO MART, LOCATED AT 1827 36 ST NE, AND SPOKE TO ██████████ ██████████ INDICATED THAT HE SOLD A 2000 GMC SAFARI, GREY IN COLOR, ON 2009/03/28. ██████████ INDICATED THAT IT WAS A CASH SALE FOR \$2485 AND HE SOLD THE VEHICLE TO AN UNKNOWN ASIAN MALE, APPROXIMATELY 5'6" TALL AND IN HIS LATE 20'S.

██████████ INDICATED THAT HE ATTEMPTED TO OBTAIN A DRIVER'S LICENSE FROM THE PURCHASER; HOWEVER, HE DID NOT HAVE A DRIVER'S LICENSE WITH HIM.

DETS LOTZER AND CARRIERE CHECKED THE ADDRESS AND NAME PROVIDED BY THE UNKNOWN PURCHASER AND HAVE SINCE DETERMINED THAT ALL ARE FALSE. THE PHONE NUMBER PROVIDED BY THE SUSPECT, KEN WONG, OF 305-4207, IS BELIEVED BY INVESTIGATORS TO BE A THROW-AWAY PHONE, AS WONG DID NOT EVEN KNOW ITS PHONE NUMBER AND HAD TO TELEPHONE THE DEALERSHIP TO GET ██████████ TO RETRIEVE THE PHONE NUMBER FROM CALL DISPLAY. ARRANGEMENTS HAVE BEEN MADE WITH ██████████ TO VIEW PHOTOS OF POTENTIAL SUSPECTS AT A LATER DATE.

2009/04/06 DET. FREDERIKSEN #3285 / TARGETED ENFORCEMENT UNIT (#3285).

ON 09-04-06 DET. FREDERIKSEN AND DET. PROCEE WERE TASKED TO DETERMINE AT WHICH WALMART THE CLOTHING TAGS LOCATED WITHIN THE GMC SAFARI WERE PURCHASED AT AND TO FURTHER IDENTIFY THE DAY AND TIME OF THE PURCHASE IN-ORDER TO OBTAIN SURVEILLANCE VIDEO OF THE PURCHASER(S).

DET. FREDERIKSEN AND DET. PROCEE INITIALLY ATTENDED TO MARLBOROUGH WALMART AND SPOKE WITH THE STORE MANAGER ██████████ ██████████ ARRANGED FOR ASSISTANCE BY THE ASSISTANT MANAGER ██████████ ██████████ ██████████ EXAMINED THE PHOTOGRAPHS OF THE CLOTHING TAGS AND WAS ABLE TO CONDUCT A SEARCH OF THE MARLBOROUGH MALL DATA BASE FOR ALL PURCHASES OF THOSE ITEMS OVER A 5 WEEK PERIOD. ALTHOUGH SOME OF THE ITEMS HAD BEEN PURCHASED AT THE MARLBOROUGH MALL STORE, NOT ENOUGH ITEMS WERE MADE IN ANY SINGLE PURCHASE TO SUGGEST THAT THE ITEMS HAD INDEED BEEN PURCHASED AT THAT SPECIFIC OUTLET.

TO FACILITATE A CITY WIDE SEARCH OF ALL WALMARTS, DET. FREDERIKSEN AND DET. PROCEE WERE PLACED IN CONTACT WITH THE DISTRICT LOSS PREVENTION MANAGER ██████████ ██████████ ATTENDED TO THE MARLBOROUGH MALL LOCATION TO MEET WITH DET. FREDERIKSEN AND DET. PROCEE.

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[REDACTED] WAS ABLE TO CONDUCT A CHECK OF ALL WALMARTS FOR THE ASSOCIATED CLOTHING TAGS. [REDACTED] DISCOVERED THAT ON APRIL 1ST 2009 AT APPROXIMATELY 12:53 A.M. A SINGLE PURCHASE WAS MADE WHICH CONSISTED OF NEARLY ALL OF THE CLOTHING ITEMS RELATED TO THIS INVESTIGATION.

DET. FREDERIKSEN AND DET. PROCEE ATTENDED TO WESTBROOK MALL AND SPOKE WITH LOSS PREVENTION OFFICER [REDACTED]. [REDACTED] PROVIDED A COPY OF THE SALES RECEIPT FOR THE ITEMS PURCHASED ON APRIL 1, 2009. THOSE ITEMS ARE SUMMARIZED AS FOLLOWS:

1. 2 BASEBALL CAPS
2. 1 PACKAGE OF 2 UNDERSHIRTS
3. 4 BANDANAS
4. 4 PAIRS OF WORK GLOVES
5. 3 HOODIES
6. 3 POLYESTER PANTS
7. 3 PAIRS OF SHOES.

THE TOTAL PURCHASE PRICE FOR THE ABOVE ITEMS WAS \$127.81. THE PURCHASER PROVIDED \$140.00 IN CASH AND RECEIVED \$12.19 BACK. ALL THE PURCHASES WERE MADE AT TILL 2.

EACH ITEM LISTED ON THE RECEIPT HAD AN ASSOCIATED SKU NUMBER WHICH ENABLED DET. FREDERIKSEN AND DET. PROCEE TO LOCATE EACH EXACT ITEM WITHIN THE WESTBROOK MALL WAL MART AND PHOTOGRAPH IT. IT IS IMPORTANT TO NOTE THAT SOME OF THE ITEMS HAD, SINCE APRIL 1, EITHER SOLD OUT OR WERE NO LONGER BEING SOLD. IN THOSE INSTANCES, PHOTOGRAPHS OF THE SAME PRODUCT BUT IN A DIFFERENT SIZE WERE TAKEN. ONLY THE UNDERSHIRTS WERE NO LONGER BEING SOLD, BUT AN OPEN PACKAGE WAS STILL AVAILABLE IN STORAGE AND WAS SUBSEQUENTLY PHOTOGRAPHED.

[REDACTED] WAS ABLE TO FURTHER PROVIDE THE SURVEILLANCE VIDEO FROM ALL RELATED CAMERAS ON APRIL 1. THE CAMERA ANGLES WERE:

1. OUTSIDE THE MAIN ENTRANCE FACING NORTH
2. INSIDE POINTING AT THE MAIN ENTRANCE
3. INSIDE POINTING OVER TOP OF TILL 2 OUT INTO THE STORE. THE TILL ITSELF IS NOT VISIBLE, BUT THE LINE TO GET TO IT IS.

DET. FREDERIKSEN AND DET. PROCEE REVIEWED THE SURVEILLANCE VIDEO WHILE AT THE STORE. THE FOLLOWING SUMMARIZES THEIR OBSERVATIONS:

1. DET. FREDERIKSEN COMPARED THE TIMES ON THE VIDEO SURVEILLANCE

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SYSTEM TO HIS WATCH. HIS WATCH READ 13:02:32 AND THE SURVEILLANCE READ 13:06:16, CONFIRMING THAT THE SURVEILLANCE SYSTEM WAS APPROXIMATELY 3.5 MINUTES FAST.

2. ALL OUTSIDE VIDEO WAS A FURTHER APPROXIMATELY 58.5 MINUTE FAST.

3. AT APPROX. 00:28 (01:29:38 VIDEO TIME), A 4 DOOR SEDAN STYLE VEHICLE IS OBSERVED DRIVING SOUTHBOUND IN THE PARKING LOT AND PARKING DIRECTLY EAST OF THE MAIN ENTRANCE.

4. AT APPROX. 00:29 (01:30:22 VIDEO TIME) TWO MALES CAN BE SEEN WALKING FROM THE DIRECTION THE VEHICLE WENT, TOWARDS THE MAIN DOORS. PERSON #1 WEARING DARK PANTS, LIGHT GREY HOODIE, WHITE SHIRT UNDERNEATH, WHITE BASEBALL CAP AND WHITE SHOES. PERSON #2 WEARING BLACK HAD WITH WHITE WRITING ON FRONT AND A WHITE BACK, DARK JACKET, DARK PANTS AND BLACK RUNNERS WITH WHITE ON THE SIDES OF THE TOE AREA.

5. AT APPROX. 00:31:42, BOTH MALES ENTER THE WALMART

6. AT APPROX 00:51:19, PERSON #1 WALKS FROM THE COSMETIC AREA OF WALMART TOWARDS TILL #2. HE APPEARS TO BE CARRYING SHOES.

7. AT APPROX. 00:51:52, PERSON #2 ENTERS THE FRAME FROM THE SIDE APPEARING TO CARRY CLOTHING. HE APPEARS TO JOIN PERSON #1 IN THE LINE.

8. AT APPROX. 00:53:32, PERSON #2 EXITS THE WALMART WITHOUT ANY PRODUCT. AND WALKS THE SAME DIRECTION HE CAME FROM IN THE PARKING LOT.

9. AT APPROX. 00:57:48, PERSON #1 EXITS THE WALMART CARRYING SHOPPING BAGS IN EACH HAND. HE WALKS THE SAME DIRECTION HE CAME FROM IN THE PARKING LOT.

THE CLOTHING ITEMS AND PACKAGING MATERIAL/SKU CLOTHING TAGS LOCATED WITHIN THE CRIME VEHICLE GMC SAFARI WERE THEN COMPARED AGAINST THE SALES RECEIPT DATED APRIL 1, 2009. THE FOLLOWING IS A LIST OF THE CLOTHING ITEMS AND PACKAGING/SKU MATERIALS WHEN COMPARED AGAINST THE SALES RECEIPT:

1. LG-65 BANDANA - MATCHES SALES RECEIPT (SKU 077028302685)

2. LG-32 BANDANA AND LG-59 BANDANA TAG - MATCHES SALES RECEIPT (SKU 077028301798). 2 PURCHASES MADE OF THIS MAKE OF BANDANA.

3. LG36 BASEBALL CAP TAG - MATCHES SALES RECEIPT (SKU 077045395708) TAN BASEBALL CAP

4. LG36 HOODED TOP TAG - MATCHES SALES RECEIPT (SKU 077211201009) CHARCOAL GREY LARGE

5. LG36, LG56, LG43 FISHERMEN'S GLOVE TAG - MATCHES SALES RECEIPT (SKU 006293002308) FOR 4 WORK GLOVES.

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6. LG38 BANDANA TAG - MATCHES SALES RECEIPT (SKU 077028301766)

7. LG38, LG60 PANTS TAG- MATCHES SALES RECEIPT (SKU 005651306643)
43 PAIRS BLACK PANTS WITH WHITE STRIPE DOWN SIDE.

8. LG55 BANDANA TAG - MATCHES SALES RECEIPT (SKU 077028302685)

9. LG62 RUPERT SHOE TAG - NOT ON SALES RECEIPT

10. LG30 LEWIS SIZE 11 SHOE TAG - MATCHES SALES RECEIPT (SKU 000251660962)

11. LG30 LEWIS SIZE 10 SHOE TAG - MATCHES SALES RECEIPT (SKU 000251660955)

12. LG46 TAG - MATCHES SALES RECEIPT (SKU 077211209058) BLUE
BASEBALL CAP

13. LG61 HOODED TOP TAG - MATCHES SALES RECEIPT (SKU 077211201011)
2XL CHARCOAL HOODIE

2009/05/07 - DET HOKO 3003 TARGET: (11251)

ON 2009/05/04 DET HOKO OF THE TARGETED ENFORCEMENT UNIT PLACED TWO SIP HITS WITH CPIC. THE FOLLOWING NAMES: VINH TRUONG AND CHRISTIAN NAVOS WERE PLACED ON THE FILE RESPECTIVELY. SEE DETAILS FOR THE ATTACHED VEHICLES.

2009-08-26, JEFF VAN CAEYZEELE (NWEST) 3466: (3466)

A TRACE STUDY WAS SUBMITTED BY CST. VAN CAEYZEELE CONDUCTED ON THE SEIZED FIREARMS FROM THIS FILE. BELOW ARE THE TRACE RESULTS FROM THE RCMP TRACING CENTRE AND FUTURE ACTION THAT WILL BE TAKEN IN REGARDS TO FOLLOW UP.

2009-08-26 TRACE RESULTS

1.) GLOCK 9MM PISTOL, MODEL 17, SERIAL NUMBER BLM285US

CPIC AND NCIC QUERIES WERE BOTH NEGATIVE. RWRS FIREARMS AND CFIS FIREARMS REGISTRATION AND APPLICATION QUERIES WERE ALL NEGATIVE. THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, (ATF), FIREARMS TRACE SUMMARY REPORT(FTS) T20090103226, DATED 2009-04-16, INDICATES THAT THIS FIREARM WAS TRANSFERRED/SHIPPED TO SIMMONS SPORTING GOODS CO INC, 2001 2ND AVE, BESSEMER, AL 35020, USA ON 2006-11-14. ON 2007-05-14, THIS FIREARM WAS PURCHASED BY [REDACTED] (

[REDACTED] USA. THIS WAS PART OF A MULTIPLE SALE.
THIS WILL BE FOLLOWED UP BY THE ATF.

2.) REMINGTON 12 GAUGE SAWED OFF SHOTGUN, MODEL 29, SERIAL NUMBER 5143;

CPIC AND NCIC QUERIES WERE BOTH NEGATIVE. RWRS FIREARMS AND CFIS FIREARMS REGISTRATION AND APPLICATION QUERIES WERE ALL NEGATIVE. THE

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FRT # 35579 INDICATES THAT THIS FIREARM WAS MANUFACTURED FROM 1929 TO 1933. THE BLUE BOOK OF GUN VALUES ALSO INDICATES THE SAME ON PAGE 1433. THIS SHOTGUN IS TOO OLD TO TRACE.

3.) H&K 5.56 CALIBRE RIFLE, MODEL HK93, SERIAL NUMBER A120105

CPIC QUERY OF THIS FIREARM INDICATES THAT IT WAS PUT ON AS STOLEN FROM CALGARY PD WHEN THEY SEIZED IT 2009-04-02., FILE NUMBER 09112050. NCIC QUERY WAS NEGATIVE.

THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, (ATF) FIREARMS TRACE SUMMARY REPORT(FTS) T20090103217, DATED 2009-04-16, INDICATES THAT THIS FIREARM WAS TRASFERRED/SHIPPED TO CENTURY ARMS, 5340 FERRIER ST, MONTREAL, PQ, CANADA, ON 1976-03-09.

RWRS FIREARMS REGISTRATION QUERIES INDICATE THAT THIS FIREAM WAS REGISTERED TO [REDACTED]

[REDACTED] BC. CERTIFICATE NUMBER K-105180 WAS ISSUED ON 1983-08-30. THE FIREARM IS SHOWING ON CFIS AS IN PROTECTIVE CUSTODY SEIZED BY CALGARY PD FROM THIS FILE. THIS WILL BE FOLLOWED UP BY THE RCMP IN THAT AREA.

4.) REMINGTON 12 GAUGE SHOTGUN, MODEL 870 EXPRESS MAGNUM, SERIAL NUMBER A341491M.

CPIC QUERY SHOWS THAT CALGARY PD HAS ADDED THE FIREARM ONTO CPIC AS RECOVERED, THEIR FILE 09112050. NCIC QUERY WAS NEGATIVE. CFIS QUERIES INDICATE THAT THIS FIREARM IS IN PROTECTED CUSTODY..CALGARY FILE.

THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES (ATF), FIREARMS TRACE SUMMARY REPORT (FTS) T20090103231, DATED 2009-04-16 INDICATES THAT THIS FIREARM WAS TRANSFERRED/SHIPPED TO CALDWELL INDUSTRIES CO, 384 LYNN AVE, NORTH VANCOUVER, BC, CANADA, F7J2C5 ON 1992-02-24. ON 1992--04-24, CALDWELL INDUSTRIES IN NORTH VANCOUVER SOLD THE FIREARM TO C&M SPORTS IN SURREY, BC. C&M SPORTS IS INACTIVE AND OUT OF BUSINESS AND NONE OF THEIR RECORDS ARE AVAILABLE.

2009/09/29 - DET CARRIERE 3281 / TEU (8322)

EVIDENCE LINKING FOR BILL LY WHO WAS INITIALLY CHARGED IN THIS INVESTIGATION THOUGH HAD HIS CHARGES STAYED BY THE CROWN PROSECUTOR.

ACCUSED #1: BILL LY
SEC 95(1) C.C. (X 4) - PROHIBITED OR RESTRICTED FIREARM WITH AMMUNITION

- THE ACCUSED WAS TRACKED FROM HIS POINT OF CONTACT WITH POLICE BACK TO THE UNREGISTERED SAFARI VAN BEARING ALBERTA LICENSE PLATE M17537.

- THE ACCUSED'S IDENTITY WAS CONFIRMED AS HE IS KNOWN TO POLICE AND WAS ARRESTED ON AN OUTSTANDING WARRANT.

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- FIVE FIREARMS WERE FOUND WITHIN THE MOTOR VEHICLE THAT CONTAINED ONLY TWO SEATS.

- A SMITH & WESSON HANDGUN WAS SMALLER THAN THE DESIGNATED LENGTH AS REQUIRED BY THE CRIMINAL CODE AND IS, THEREFORE, CONSIDERED A PROHIBITED FIREARM.

- THE GLOCK MODEL 17 HANDGUN WAS LOCATED WITHIN THE MOTOR VEHICLE AND IS CONSIDERED A RESTRICTED FIREARM.

- THE ASSAULT RIFLE HK93 IS CONSIDERED A RESTRICTED FIREARM.

- THE REMINGTON MODEL 29 SHOTGUN WAS SAWED OFF, THEREFORE, MAKING IT A PROHIBITED FIREARM.

SEC 88(1) C.C. (X 5) - POSSESSION OF A WEAPON DANGEROUS TO THE PUBLIC PEACE

- THE ACCUSED LY IS KNOWN TO CPS AS AN FK/UN GANG MEMBER.

- LY'S TRACKS BACK TO THE MOTOR VEHICLE WAS LITTERED WITH DISCARDED GLOVES AND CLOTHING INDICATING HE OR HIS ASSOCIATES WERE TRYING TO CHANGE THEIR APPEARANCE ON ARRIVAL BY POLICE.

- WITHIN THE SAFARI VAN NEWLY PURCHASED CLOTHING FROM WALMART WAS LOCATED, AS WELL AS RUNNING SHOES INDICATING A CHANGE OF CLOTHING READILY ACCESSIBLE IN CASE THE OCCUPANTS WERE INVOLVED IN A VIOLENT ACT.

- SEVERAL BANDANA/SCARVES WERE LOCATED KNOWN BY POLICE TO BE USED AS A MASK TO ASSIST IN CONCEALING THE IDENTITY OF CULPRITS INVOLVED IN CRIMINAL ACTIVITY.

SEC 94(1) C.C. (X 4) - FIREARM IN A MOTOR VEHICLE

- THE ACCUSED LY WAS TRACKED BACK TO THE SAFARI VAN CONTAINING FIVE FIREARMS. AS THE ONLY SEATS PRESENT WERE THE FRONT DRIVER AND PASSENGER SEATS, ALL OTHER OCCUPANTS HAD TO REMAIN IN THE REAR STORAGE AREA OF THE VAN.

- THE FIREARMS WERE VISIBLE IN THE REAR AND WERE STICKING OUT OF A PIECE OF CARPET WHEN OBSERVED BY POLICE.

- ALL OF THESE WEAPONS WERE LOADED.

- THE REMINGTON 870 SHOTGUN IS A CONTROLLED FIREARM AND, THEREFORE, IS NOT APPLICABLE UNDER THIS SECTION OF THE CRIMINAL CODE.

SEC 86(2) C.C. (X 5) - HAZARDOUS STORAGE OF FIREARM

- ALL FIVE FIREARMS LOCATED WITHIN THE (UNLOCKED) MOTOR VEHICLE WERE LOADED AND DID NOT HAVE ANY SAFETY MECHANISMS WHATSOEVER ON THEM.

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- TO DATE NONE OF THESE FIREARMS APPEAR TO BE REGISTERED, AND ONE IS MISSING A SERIAL NUMBER.

SEC 108(1) (A) C.C. (X 1) - TAMPERING WITH SERIAL NUMBER

- THE SMITH & WESSON HANDGUN HAD ITS SERIAL NUMBER OBLITERATED.

SEC 92(2) C.C. (X 3) - POSSESS PROHIBITED DEVICE

- THE GLOCK 17 HANDGUN, THE SMITH & WESSON HANDGUN, AND THE HK93 ASSAULT RIFLE ALL CONTAINED EXTENDED MAGAZINES MAKING THEM A PROHIBITED DEVICE AS DEFINED BY THE CRIMINAL CODE.

SEC 91(1) C.C. (X 5) - UNAUTHORIZED POSSESSION

- BILL LY IS NOT THE HOLDER OF A LICENSE FOR WHICH HE MAY POSSESS A FIREARM.

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~~~~~ EVIDENCE LINKING ACCUSED

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ACCUSED #2: DANG NGOC NGUYEN  
SEC 95(1) C.C. (X 4) - PROHIBITED OR RESTRICTED FIREARM WITH  
AMMUNITION

- THE ACCUSED WAS TRACKED FROM HIS POINT OF CONTACT WITH POLICE  
BACK TO THE UNREGISTERED SAFARI VAN BEARING ALBERTA LICENSE PLATE  
M17537.

- THE ACCUSED'S IDENTITY WAS CONFIRMED AS HE IS KNOWN TO POLICE AND  
WAS ARRESTED ON AN OUTSTANDING WARRANT.

- FIVE FIREARMS WERE FOUND WITHIN THE MOTOR VEHICLE THAT CONTAINED  
ONLY TWO SEATS.

- A SMITH & WESSON HANDGUN WAS SMALLER THAN THE DESIGNATED LENGTH  
AS REQUIRED BY THE CRIMINAL CODE AND IS, THEREFORE, CONSIDERED A  
PROHIBITED FIREARM.

- THE GLOCK MODEL 17 HANDGUN WAS LOCATED WITHIN THE MOTOR VEHICLE  
AND IS CONSIDERED A RESTRICTED FIREARM.

- THE ASSAULT RIFLE HK93 IS CONSIDERED A RESTRICTED FIREARM.

- THE REMINGTON MODEL 29 SHOTGUN WAS SAWED OFF, THEREFORE, MAKING  
IT A PROHIBITED FIREARM.

SEC 88(1) C.C. (X 5) - POSSESSION OF A WEAPON DANGEROUS TO THE  
PUBLIC PEACE

- THE ACCUSED NGUYEN IS KNOWN TO CPS AS AN FK GANG MEMBER.

- NGUYEN'S TRACKS BACK TO THE MOTOR VEHICLE WAS LITTERED WITH  
DISCARDED GLOVES AND CLOTHING INDICATING HE OR HIS ASSOCIATES WERE  
TRYING TO CHANGE THEIR APPEARANCE ON ARRIVAL BY POLICE.

- WITHIN THE SAFARI VAN NEWLY PURCHASED CLOTHING FROM WALMART WAS  
LOCATED, AS WELL AS RUNNING SHOES INDICATING A CHANGE OF CLOTHING  
READILY ACCESSIBLE IN CASE THE OCCUPANTS WERE INVOLVED IN A VIOLENT ACT.

- SEVERAL BANDANA/SCARVES WERE LOCATED KNOWN BY POLICE TO BE USED  
AS A MASK TO ASSIST IN CONCEALING THE IDENTITY OF CULPRITS INVOLVED IN  
CRIMINAL ACTIVITY.

SEC 94(1) C.C. (X 4) - FIREARM IN A MOTOR VEHICLE

- THE ACCUSED NGUYEN WAS TRACKED BACK TO THE SAFARI VAN CONTAINING  
FIVE FIREARMS. AS THE ONLY SEATS PRESENT WERE THE FRONT DRIVER AND  
PASSENGER SEATS, ALL OTHER OCCUPANTS HAD TO REMAIN IN THE REAR STORAGE  
AREA OF THE VAN.

- THE FIREARMS WERE VISIBLE IN THE REAR AND WERE STICKING OUT OF A

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PIECE OF CARPET WHEN OBSERVED BY POLICE.

- ALL OF THESE WEAPONS WERE LOADED.

- THE REMINGTON 870 SHOTGUN IS A CONTROLLED FIREARM AND, THEREFORE, IS NOT APPLICABLE UNDER THIS SECTION OF THE CRIMINAL CODE.

SEC 86(2) C.C. (X 5) - HAZARDOUS STORAGE OF FIREARM

- ALL FIVE FIREARMS LOCATED WITHIN THE (UNLOCKED) MOTOR VEHICLE WERE LOADED AND DID NOT HAVE ANY SAFETY MECHANISMS WHATSOEVER ON THEM.

- TO DATE NONE OF THESE FIREARMS APPEAR TO BE REGISTERED, AND ONE IS MISSING A SERIAL NUMBER.

SEC 108(1) (A) C.C. (X 1) - TAMPERING WITH SERIAL NUMBER

- THE SMITH & WESSON HANDGUN HAD ITS SERIAL NUMBER OBLITERATED.

SEC 92(2) C.C. (X 3) - POSSESS PROHIBITED DEVICE

- THE GLOCK 17 HANDGUN, THE SMITH & WESSON HANDGUN, AND THE HK93 ASSAULT RIFLE ALL CONTAINED EXTENDED MAGAZINES MAKING THEM A PROHIBITED DEVICE AS DEFINED BY THE CRIMINAL CODE.

SEC 91(2) C.C. (X 5) - KNOWINGLY POSSESS FIREARM WHILE UNAUTHORIZED

- DANG NGUYEN IS NOT THE HOLDER OF A LICENSE FOR WHICH HE MAY POSSESS A FIREARM.

SEC 117(01) (1) C.C. (X 5) - POSSESS FIREARMS CONTRARY TO PROHIBITION ORDER

- DANG NGUYEN WAS CONVICTED OF POSSESSION FOR THE PURPOSES OF TRAFFICKING ON APRIL 15, 2004, AND GIVEN A LIFETIME PROHIBITION OF FIREARMS.

- FIVE FIREARMS WERE LOCATED WITHIN THE SILVER SAFARI VAN.

SEC 92(1) C.C. (X 5) - KNOWLEDGE OF UNAUTHORIZED POSSESSION

- THE FIVE FIREARMS SEIZED WERE IN CONTRAVENTION OF THE ORDER SIGNED BY DANG NGUYEN INDICATING THAT HE HAD KNOWLEDGE THAT HE WAS PROHIBITED AND COULD NOT LAWFULLY POSSESS THE ASSAULT RIFLE AND OTHER FIREARMS.

ACCUSED: ZACHARY MIRABACK

SEC 95(1) C.C. (X 4) - PROHIBITED OR RESTRICTED FIREARM WITH AMMUNITION

- THE ACCUSED WAS TRACKED FROM HIS POINT OF CONTACT WITH POLICE

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BACK TO THE UNREGISTERED SAFARI VAN BEARING ALBERTA LICENSE PLATE M17537.

- THE ACCUSED'S IDENTITY WAS CONFIRMED AS HE IS KNOWN TO POLICE AND WAS ARRESTED ON AN OUTSTANDING WARRANT.

- FIVE FIREARMS WERE FOUND WITHIN THE MOTOR VEHICLE THAT CONTAINED ONLY TWO SEATS.

- A SMITH & WESSON HANDGUN WAS SMALLER THAN THE DESIGNATED LENGTH AS REQUIRED BY THE CRIMINAL CODE AND IS, THEREFORE, CONSIDERED A PROHIBITED FIREARM.

- THE GLOCK MODEL 17 HANDGUN WAS LOCATED WITHIN THE MOTOR VEHICLE AND IS CONSIDERED A RESTRICTED FIREARM.

- THE ASSAULT RIFLE HK93 IS CONSIDERED A RESTRICTED FIREARM.

- THE REMINGTON MODEL 29 SHOTGUN WAS SAWED OFF, THEREFORE, MAKING IT A PROHIBITED FIREARM.

SEC 88(1) C.C. (X 5) - POSSESSION OF A WEAPON DANGEROUS TO THE PUBLIC PEACE

- THE ACCUSED MIRABACK IS KNOWN TO CPS AS AN FK GANG MEMBER.

- WITHIN THE SAFARI VAN NEWLY PURCHASED CLOTHING FROM WALMART WAS LOCATED, AS WELL AS RUNNING SHOES INDICATING A CHANGE OF CLOTHING READILY ACCESSIBLE IN CASE THE OCCUPANTS WERE INVOLVED IN A VIOLENT ACT.

- SEVERAL BANDANA/SCARVES WERE LOCATED KNOWN BY POLICE TO BE USED AS A MASK TO ASSIST IN CONCEALING THE IDENTITY OF CULPRITS INVOLVED IN CRIMINAL ACTIVITY.

SEC 94(1) C.C. (X 5) - FIREARM IN A MOTOR VEHICLE

- THE FIREARMS WERE VISIBLE IN THE REAR AND WERE STICKING OUT OF A PIECE OF CARPET WHEN OBSERVED BY POLICE.

- ALL OF THESE WEAPONS WERE LOADED.

- THE REMINGTON 870 SHOTGUN IS A CONTROLLED FIREARM AND, THEREFORE, IS NOT APPLICABLE UNDER THIS SECTION OF THE CRIMINAL CODE.

SEC 86(2) C.C. (X 5) - HAZARDOUS STORAGE OF FIREARM

- ALL FIVE FIREARMS LOCATED WITHIN THE (UNLOCKED) MOTOR VEHICLE WERE LOADED AND DID NOT HAVE ANY SAFETY MECHANISMS WHATSOEVER ON THEM.

- TO DATE NONE OF THESE FIREARMS APPEAR TO BE REGISTERED, AND ONE IS MISSING A SERIAL NUMBER.

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SEC 108(1) (A) C.C. (X 1) - TAMPERING WITH SERIAL NUMBER

- THE SMITH & WESSON HANDGUN HAD ITS SERIAL NUMBER OBLITERATED.

SEC 92(2) C.C. (X 3) - POSSESS PROHIBITED DEVICE

- THE GLOCK 17 HANDGUN, THE SMITH & WESSON HANDGUN, AND THE HK93 ASSAULT RIFLE ALL CONTAINED EXTENDED MAGAZINES MAKING THEM A PROHIBITED DEVICE AS DEFINED BY THE CRIMINAL CODE.

SEC 91(1) C.C. (X 5) - UNAUTHORIZED POSSESSION

- MIRABACK IS NOT THE HOLDER OF A LICENSE FOR WHICH HE MAY POSSESS A FIREARM.

SEC 117.01 (1) CC X 5 - POSSESS FIREARM CONTRARY TO PROHIBITION ORDER

- ON 2007/09/24 MIRABACK WAS CONVICTED OF SEC 88(1) POSSESS WEAPON DANGEROUS TO PUBLIC PEACE AND GIVEN A 5 YEAR PROHIBITION ORDER. UNDER SEC 110.

ACCUSED: CHRISTIAN NAVOS

SEC 95(1) C.C. (X 4) - PROHIBITED OR RESTRICTED FIREARM WITH AMMUNITION

- THE ACCUSED WAS TRACKED FROM HIS POINT OF CONTACT WITH POLICE BACK TO THE UNREGISTERED SAFARI VAN BEARING ALBERTA LICENSE PLATE M17537.

- THE ACCUSED'S IDENTITY WAS CONFIRMED AS HE IS KNOWN TO POLICE AND WAS ARRESTED ON AN OUTSTANDING WARRANT.

- FIVE FIREARMS WERE FOUND WITHIN THE MOTOR VEHICLE THAT CONTAINED ONLY TWO SEATS.

- A SMITH & WESSON HANDGUN WAS SMALLER THAN THE DESIGNATED LENGTH AS REQUIRED BY THE CRIMINAL CODE AND IS, THEREFORE, CONSIDERED A PROHIBITED FIREARM.

- THE GLOCK MODEL 17 HANDGUN WAS LOCATED WITHIN THE MOTOR VEHICLE AND IS CONSIDERED A RESTRICTED FIREARM.

- THE ASSAULT RIFLE HK93 IS CONSIDERED A RESTRICTED FIREARM.

- THE REMINGTON MODEL 29 SHOTGUN WAS SAWED OFF, THEREFORE, MAKING IT A PROHIBITED FIREARM.

SEC 88(1) C.C. (X 5) - POSSESSION OF A WEAPON DANGEROUS TO THE PUBLIC PEACE

- THE ACCUSED NAVOS IS KNOWN TO CPS AS AN FK GANG MEMBER.

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- WITHIN THE SAFARI VAN NEWLY PURCHASED CLOTHING FROM WALMART WAS LOCATED, AS WELL AS RUNNING SHOES INDICATING A CHANGE OF CLOTHING READILY ACCESSIBLE IN CASE THE OCCUPANTS WERE INVOLVED IN A VIOLENT ACT.

- SEVERAL BANDANA/SCARVES WERE LOCATED KNOWN BY POLICE TO BE USED AS A MASK TO ASSIST IN CONCEALING THE IDENTITY OF CULPRITS INVOLVED IN CRIMINAL ACTIVITY.

SEC 94(1) C.C. (X 5) - FIREARM IN A MOTOR VEHICLE

- THE FIREARMS WERE VISIBLE IN THE REAR AND WERE STICKING OUT OF A PIECE OF CARPET WHEN OBSERVED BY POLICE.

- ALL OF THESE WEAPONS WERE LOADED.

- THE REMINGTON 870 SHOTGUN IS A CONTROLLED FIREARM AND, THEREFORE, IS NOT APPLICABLE UNDER THIS SECTION OF THE CRIMINAL CODE.

SEC 86(2) C.C. (X 5) - HAZARDOUS STORAGE OF FIREARM

- ALL FIVE FIREARMS LOCATED WITHIN THE (UNLOCKED) MOTOR VEHICLE WERE LOADED AND DID NOT HAVE ANY SAFETY MECHANISMS WHATSOEVER ON THEM.

- TO DATE NONE OF THESE FIREARMS APPEAR TO BE REGISTERED, AND ONE IS MISSING A SERIAL NUMBER.

SEC 108(1) (A) C.C. (X 1) - TAMPERING WITH SERIAL NUMBER

- THE SMITH & WESSON HANDGUN HAD ITS SERIAL NUMBER OBLITERATED.

SEC 92(2) C.C. (X 3) - POSSESS PROHIBITED DEVICE

- THE GLOCK 17 HANDGUN, THE SMITH & WESSON HANDGUN, AND THE HK93 ASSAULT RIFLE ALL CONTAINED EXTENDED MAGAZINES MAKING THEM A PROHIBITED DEVICE AS DEFINED BY THE CRIMINAL CODE.

SEC 91(1) C.C. (X 5) - UNAUTHORIZED POSSESSION

- NAVOS IS NOT THE HOLDER OF A LICENSE FOR WHICH HE MAY POSSESS A FIREARM.

ACCUSED: WAYNE HA

SEC 95(1) C.C. (X 4) - PROHIBITED OR RESTRICTED FIREARM WITH AMMUNITION

- THE ACCUSED WAS TRACKED FROM HIS POINT OF CONTACT WITH POLICE BACK TO THE UNREGISTERED SAFARI VAN BEARING ALBERTA LICENSE PLATE M17537.

- THE ACCUSED'S IDENTITY WAS CONFIRMED AS HE IS KNOWN TO POLICE AND WAS ARRESTED ON AN OUTSTANDING WARRANT.

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- FIVE FIREARMS WERE FOUND WITHIN THE MOTOR VEHICLE THAT CONTAINED ONLY TWO SEATS.

- A SMITH & WESSON HANDGUN WAS SMALLER THAN THE DESIGNATED LENGTH AS REQUIRED BY THE CRIMINAL CODE AND IS, THEREFORE, CONSIDERED A PROHIBITED FIREARM.

- THE GLOCK MODEL 17 HANDGUN WAS LOCATED WITHIN THE MOTOR VEHICLE AND IS CONSIDERED A RESTRICTED FIREARM.

- THE ASSAULT RIFLE HK93 IS CONSIDERED A RESTRICTED FIREARM.

- THE REMINGTON MODEL 29 SHOTGUN WAS SAWED OFF, THEREFORE, MAKING IT A PROHIBITED FIREARM.

SEC 88(1) C.C. (X 5) - POSSESSION OF A WEAPON DANGEROUS TO THE PUBLIC PEACE

- THE ACCUSED HA IS KNOWN TO CPS AS AN FK GANG MEMBER.

- WITHIN THE SAFARI VAN NEWLY PURCHASED CLOTHING FROM WALMART WAS LOCATED, AS WELL AS RUNNING SHOES INDICATING A CHANGE OF CLOTHING READILY ACCESSIBLE IN CASE THE OCCUPANTS WERE INVOLVED IN A VIOLENT ACT.

- SEVERAL BANDANA/SCARVES WERE LOCATED KNOWN BY POLICE TO BE USED AS A MASK TO ASSIST IN CONCEALING THE IDENTITY OF CULPRITS INVOLVED IN CRIMINAL ACTIVITY.

SEC 94(1) C.C. (X 5) - FIREARM IN A MOTOR VEHICLE

- THE FIREARMS WERE VISIBLE IN THE REAR AND WERE STICKING OUT OF A PIECE OF CARPET WHEN OBSERVED BY POLICE.

- ALL OF THESE WEAPONS WERE LOADED.

- THE REMINGTON 870 SHOTGUN IS A CONTROLLED FIREARM AND, THEREFORE, IS NOT APPLICABLE UNDER THIS SECTION OF THE CRIMINAL CODE.

SEC 86(2) C.C. (X 5) - HAZARDOUS STORAGE OF FIREARM

- ALL FIVE FIREARMS LOCATED WITHIN THE (UNLOCKED) MOTOR VEHICLE WERE LOADED AND DID NOT HAVE ANY SAFETY MECHANISMS WHATSOEVER ON THEM.

- TO DATE NONE OF THESE FIREARMS APPEAR TO BE REGISTERED, AND ONE IS MISSING A SERIAL NUMBER.

SEC 108(1) (A) C.C. (X 1) - TAMPERING WITH SERIAL NUMBER

- THE SMITH & WESSON HANDGUN HAD ITS SERIAL NUMBER OBLITERATED.

SEC 92(2) C.C. (X 3) - POSSESS PROHIBITED DEVICE

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- THE GLOCK 17 HANDGUN, THE SMITH & WESSON HANDGUN, AND THE HK93 ASSAULT RIFLE ALL CONTAINED EXTENDED MAGAZINES MAKING THEM A PROHIBITED DEVICE AS DEFINED BY THE CRIMINAL CODE.

SEC 91(1) C.C. (X 5) - UNAUTHORIZED POSSESSION

- HA IS NOT THE HOLDER OF A LICENSE FOR WHICH HE MAY POSSESS A FIREARM.

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DISCLOSURE CONCERNS

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DO NOT RELEASE ANY PERSONAL INFORMATION OF THE WITNESSES TO THE ACCUSED OR THEIR COUNSEL.

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CST. JOHNSTON #3587 WILL STATE:

ON 2009/04/01 AT APPROXIMATELY 1445 HOURS I RESPONDED TO A SUSPICIOUS PERSON CALL OF TWO MALES IN THE AREA OF 26 RIVERSIDE WAY SE. REPORTS TO POLICE DISPATCH WERE THAT ONE OF THE MALES WAS OBSERVED CARRYING WHAT APPEARED TO A RIFLE OF SOME SORT, AND ATTEMPTING TO CONCEAL IT IN HIS JACKET. THE CALL ORIGINATED AT 1432 HOURS, FROM A COMPLAINANT CALLING FROM THE AREA, WHO SAW THE MALES HEADING INTO CARBURN PARK, WHICH IS TO THE SOUTH AND EAST OF HIS LOCATION.

WHILE CIRCULATING THE AREA FOR THESE MALES, I HEARD AN UPDATE FROM UNIT 1643, CST. ROBINSON, THAT THERE WAS AN ASIAN MALE WITH ANOTHER WHITE MALE LEAVING THE AREA OF CARBURN PARK, OBSERVED RUNNING JUST PRIOR TO CST. ROBINSON PULLING INTO THE PARKING LOT. THE ASIAN MALE WAS DRESSED ALL IN BLACK. AS I WAS HEADING IN THAT DIRECTION, I HEARD CST. SMITH IN UNIT 1613, STATE THAT HE HAD OBSERVED A GROUP OF MALES RUNNING TO THE NORTHWEST OF CARBURN PARK NEAR RIVERSIDE CLOSE SE. I THEN HEARD CST. SMITH STATE THAT HE HAD LOCATED THAT GROUP BEHIND A RESIDENCE IN THE ALLEY NEAR 27 RIVERSIDE CLOSE SE, AND I ARRIVED WITHIN MOMENTS TO FIND THE GROUP WITH CST. SMITH.

CST. SMITH HAD ONE ASIAN MALE DETAINED, LATER IDENTIFIED AS DANNY NGUYEN, AND AFTER A CPIC CHECK WAS CONDUCTED, REVEALING AN OUTSTANDING WARRANT, CST. SMITH ARRESTED NGUYEN, PLACING HIM IN HIS MARKED POLICE VEHICLE. I IMMEDIATELY BEGAN TO QUESTION THE OTHER FOUR MALES, 3 OF WHOM WERE ASIAN IN APPEARANCE, AND THE OTHER A MIXED RACE ARABIC MALE. ALL WERE WEARING BLACK, LOOSE FITTING CLOTHING, AND APPEARED TO BE OUT OF BREATH. UPON DEALING WITH THIS GROUP OF FOUR, I RECOGNIZED BILL LY AS A PERSON KNOWN TO BE INVOLVED IN GANG ACTIVITY. AT THIS TIME I REQUESTED BACK UP UNITS, GIVEN THE NATURE OF THE CALL, AND THE FACT THAT THESE FOUR MALES HAD NOT BEEN SEARCHED.

ADDITIONAL POLICE UNITS RESPONDED AND CSTS. HARWOOD AND CHUDY IN UNIT 1619 TOOK CUSTODY OF LY AS A CPIC CHECK REVEALED AN OUTSTANDING WARRANT FOR HIS ARREST FOR A MOTOR VEHICLE RELATED OFFENCE. WHILE CHECKING THE OTHER 3 MALES, I NOTICED THAT ONE ASIAN MALE, LATER IDENTIFIED AS WAYNE HA HAD ALL BLACK CLOTHING WITH A BLACK BASEBALL CAP. THE OTHER MALES WITH HA WERE ZACHARY MIRABACK, WHO APPEARS CAUCASIAN, WITH BLUE EYES AND BROWN HAIR, AND CHRISTIAN NAVOS, WHO IS ALSO ASIAN. THESE MALES WERE CHECKED AND LATER RELEASED FROM THE ALLEY BEHIND 27 RIVERSIDE CLOSE SE, AS I HAD NO REASON TO FURTHER DETAIN THEM. I HAD ALSO HEARD THAT OTHER POLICE UNITS HAD LOCATED AND DEALT WITH THE MALES RESPONSIBLE FOR CARRYING A RIFLE, WHICH TURNED OUT TO BE A PELLET GUN.

UPON CLEARING THE SCENE, I WAS LEAVING THE AREA OF RIVERBEND WHEN I RECEIVED A CALL FROM CST. SMITH WHO HAD BEEN IN TOUCH WITH DET. PROCEE OF THE CPS TARGETED ENFORCEMENT UNIT. DET. PROCEE WAS INTERESTED IN THE INDIVIDUALS WE HAD INITIALLY DETAINED AND STATED THE GROUP MAY HAVE BEEN RELATED TO WEAPONS OFFENCES AND MAY HAVE LEFT A VEHICLE NEARBY. AS SUCH, I RETURNED TO THE AREA IN THE ALLEY BEHIND 27 RIVERSIDE CLOSE SE AT 1650

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HOURS TO CONDUCT AN AREA SEARCH, AND LOOK FOR FOOTPRINTS FROM THE DIRECTION THE GROUP HAD BEEN OBSERVED RUNNING BY CST. SMITH. MYSELF, AND 2 OTHER POLICE UNITS ARRIVED, ALONG WITH A K-9 UNIT K935, CST. WILLIAMS TO ASSIST WITH A TRACK. AT THE PLACE WHERE THE GROUP WAS INITIALLY DETAINED, A PAIR OF BLACK WOOL GLOVES WERE LOCATED, WHICH WERE SEIZED BY OTHER MEMBERS. ALONG THE TRACK WHICH RAN TO THE SOUTH, A PAIR OF MENS XL SIZE TRACK PANTS, BLACK IN COLOR WITH WHITE STRIPES WERE SEIZED NEAR A GARBAGE CAN BEHIND 7 RIVERSIDE CLOSE SE. NEXT DOOR, ON THE SE SIDE OF THE LAWN AT 3 RIVERSIDE CLOSE, A PAIR OF WOOL GARDENING TYPE GLOVES WERE FOUND, WHICH WERE WHITE IN COLOR AND HAD A YELLOW STRIPE AROUND THE WRIST OPENING.

WE CONTINUED WITH THE K-9 TRACK DOWN ALONG RIVERSIDE CLOSE AND THROUGH AN OPENING TO A GREEN SPACE WHICH LEADS DOWN TO THE PARKING LOT OF CARBURN PARK AT 8925 RIVERVIEW DR. SE. ALL ALONG THE TRACK A DISTINCT FOOTPRINT COULD BE OBSERVED IN THE SNOW ON THE GROUND, RESEMBLING THAT OF NIKE SHOX FOOTWEAR, WHICH HAVE FOUR "SHOCK ABSORBERS" ON THE HEEL. THE TRACK LED TO THE PARKING LOT AT CARBURN PARK, AND LOCATED NEAR A SILVER MINI VAN, WAS A BLACK BALACLAVA WHICH WAS DISCARDED NEAR THE BACK END OF THIS VAN.

THE VAN, BEARING ALBERTA PLATE M17537 SHOWED REGISTERED TO RICHVIEW FINE CARS, BUT NO SPECIFIC VEHICLE DETAILS AS IT IS A DEALER PLATE. AS I LOOKED INSIDE THE RIGHT PASSENGER SIDE OF THE VEHICLE THROUGH THE SLIDING DOOR WINDOWS, I COULD SEE THE BARREL OF WHAT APPEARED TO BE A LONG RIFLE. I ALSO OBSERVED WHAT LOOKED LIKE AN AMMUNITION BOX BEHIND THE DRIVER SEAT OF THAT VEHICLE. I COULD ALSO SEE A PAIR OF GARDENING GLOVES WHICH WERE AN EXACT MATCH TO THE ONES FOUND ALONG THE TRACK, WHITE IN COLOR WITH YELLOW LINE AROUND THE WRIST. THE VIN# OF THE VEHICLE WAS RAN ON CPIC AND SHOWED IT TO BE A 2000 SILVER COLOR GMC SAFARI VAN. OTHER MEMBERS COULD OBSERVE BODY ARMOR AND A RIFLE CASE THROUGH THE BACK WINDOW. THE VEHICLE WAS LEFT AND CONTINUITY MAINTAINED FROM 1725 HOURS ON, UNTIL TAKEN TO A SECURE POLICE FACILITY FOR INVESTIGATORS BY UNIT 1649, CSTS. VELLA AND VOTH.

I LATER RETURNED TO 6 DISTRICT OFFICE AND TURNED OVER MY NOTES AND STATEMENT TO 6 GIU DETECTIVE RAHN. I ALSO ENTERED AN INITIAL REPORT ON THE PIMS SYSTEM FOR REVIEW.

CST. HARWOOD 3730 WILL STATE:

ON 2009/04/01 AT APPROXIMATELY 15:10HRS I ATTENDED THE BACK ALLEY OF 26 RIVERSIDE WAY SE CALGARY, ALBERTA TO ASSIST UNIFORM MEMBERS WITH NUMEROUS SUSPICIOUS PERSONS THEY HAD LOCATED.

I WAS INFORMED BY CST. JOHNSTON THAT BILL LY HAD AN OUTSTANDING WARRANT FOR HIS ARREST FOR FAILING TO CHANGE HIS ADDRESS ON HIS DRIVERS LICENCE. I PLACED LY UNDER ARREST FOR THE WARRANT. I CHARTERED AND CAUTIONED LY AND TRANSPORTED HIM TO THE ARREST PROCESSING UNIT.

I PHOTOCOPIED THE LY'S SHOES (TREDWEAR) AND PLACED THEM IN SIX DISTRICT

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PROPERTY AS AN EXHIBIT SH1 & SH2

CST. J. CHUDY WILL STATE: ON 2009/04/01 AT APPROX. 14:57 I RESPONDED TO BACK ALLEY OF 26 RIVERSIDE WY SE, WHERE COMPLAINANT STATED TO OBSERVE FIVE YOUNG MALES WALKING DOWN THE STREET WITH A RIFLE. UPON ARRIVAL CPS LOCATED FIVE MALES AT ABOVE LOCATION AND I DID CPIC/PIMS ENQUIRY ON ONE OF THE SUBJECTS, BILL LY DOB: [REDACTED] WHICH REVEALED OUTSTANDING WARRANT FOR 20(2) OLVCR. SUBJECT ARRESTED, CHARTERED AND CAUTIONED BY CST. HARWOOD #3730. I TRANSPORTED THE SUBJECT TO APU AT 15:28 ARRIVED AT 15:51 AND BOOKED SUBJECT IN.

CST. BUDD 3778 WILL STATE:

ON APRIL 1, 2009, I LEARNED OF A VEHICLE BEING LOCATED IN THE CARBURN PARK PARKING LOT AND THAT THERE WERE PEOPLE ASSOCIATED TO THE VEHICLE WHO WERE LOCATED BY CPS. I WAS ASKED TO ATTEND THE CARBURN PARKING LOT BY A/SGT. ROGERS.

I ARRIVED AT THE CARBURN PARKING LOT AT APPROXIMATELY 1910 HOURS AND MET WITH CST. WILLIAMS OF K9 AT APPROXIMATELY 1920 HOURS. UPON MEETING WITH CST. WILLIAMS, I ATTENDED A TRACK OF WHERE HE HAD GONE FROM WHERE THE INDIVIDUALS WERE LOCATED TO THE GMC SAFARI WHICH WAS PREVIOUSLY IN THE PARKING LOT.

THE TRACK THAT I ATTENDED FOR WENT FROM THE NORTH SIDE OF THE PARKING LOT, UP A HILL TO RIVERSIDE CLOSE SE, NE FROM THE HILL TO N ALONG RIVERSIDE CL SE TO NE ACROSS THE JUNCTION FROM RIVERBEND DR SE TO THE ENTRANCE OF THE ALLEY BETWEEN RIVERBEND DR SE AND RIVERSIDE CL SE.

IN THIS TRACK, I SAW A FOOTPRINT SIMILAR TO A NIKE SHOX SHOE ON TWO OCCASIONS, ONCE AT THE MOUTH OF THE ALLEY AND AT THAT JUNCTION. I KNOW WHAT NIKE SHOX PRINTS LOOK LIKE, AS I HAVE A PAIR AND THEY ARE DISTINCT WITH THE HEEL PATTERN (FOUR CIRCLES).

I CONDUCTED NEIGHBORHOOD INQUIRIES ALONG THE PATH THAT I WAS SHOWN.

IN SPEAKING WITH CST. WILLIAMS UPON ARRIVING AT CARBURN PARK, I LEARNED OF A PERSON WHO MAY HAVE SEEN THE PEOPLE RUNNING FROM THE SAFARI AND THAT THIS OR THESE PEOPLE APPEARED TO BE CITY WORKERS. I ALSO LEARNED THAT CST. ROBINSON MAY HAVE TALKED WITH THESE PEOPLE.

I CALLED CST. ROBINSON OVER THE TELEPHONE AND LEARNED THAT [REDACTED] WAS THE FOREMAN OF THE CARBURN MECHANICAL STATION. CST. ROBINSON PROVIDED ME WITH THE CONTACT INFORMATION OF [REDACTED] AND I CALLED HIM. I SPOKE WITH [REDACTED] OVER THE TELEPHONE AND LEARNED THAT [REDACTED] WAS THE CARBURN MECHANICAL STATION AT THE TIME OF INTEREST. I FORWARDED WHAT [REDACTED] TOLD ME TO DET. RAHN OF 6 GIU OVER THE TELEPHONE.

AT APPROXIMATELY 2143 HOURS, I ATTENDED DISTRICT 6 IN EFFORT TO ASSIST WITH THE CONDUCTING CHECKS IN RELATION TO THE FOLLOWING PEOPLE VIA CPIC.

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BILL LY;
DANG NGUYEN;
CHRISTIAN NAVROS;
WAYNE HA;
ZAC MIRABACK.

IN RELATION TO CRIMINAL HISTORY:

LY HAD A CRIMINAL HISTORY FOR THE FOLLOWING:

TRAFFICKING IN A SCHEDULED SUBSTANCE FROM 2001;
CARRYING A CONCEALED WEAPON, ASSAULT AND POSSESSION OF WEAPON ALL OF
WHICH WERE SEPARATE ENTRIES FROM 2003;
AGGRAVATED ASSAULT FROM 2005;
RESIST ARREST FROM 2007.

NGUYEN HAD A CRIMINAL HISTORY FOR THE FOLLOWING:

POSSESSION OF A SCHEDULE I SUBSTANCE FOR THE PURPOSE OF TRAFFICKING FROM
APRIL 2004;
POSSESSION OF A SCHEDULE I SUBSTANCE FOR THE PURPOSE OF TRAFFICKING,
POSSESSION OF PROPERTY OBTAINED BY CRIME AND POSSESSION OF A WEAPON FROM
OCTOBER 2005.

NAVROS HAD NO CRIMINAL HISTORY;

HA HAD A CRIMINAL HISTORY FOR THE FOLLOWING:

UNAUTHORIZED POSSESSION OF A PROHIBITED OR RESTRICTED WEAPON FROM 2002;
POSSESSION OF A SCHEDULE I SUBSTANCE FOR THE PURPOSE OF TRAFFICKING FROM
2003;

MIRABACK HAD A CRIMINAL HISTORY FOR THE FOLLOWING:

POSSESSION OF A SCHEDULED SUBSTANCE FROM 2001;
POSSESSION OF A SCHEDULED SUBSTANCE AND ASSAULT FROM 2003;
POSSESSION OF A WEAPON AND CARRYING A CONCEALED WEAPON ON SEPARATE
OCCASIONS FROM 2007.

IN RELATION TO POSSESSION ACQUISITION LICENCE (PAL) WHICH WOULD ALLOW
THE SAID PERSON TO BE IN POSSESSION OF A FIREARM AND WEAPONS
PROHIBITIONS:

LY WAS NOT ISSUED A VALID PAL;

NGUYEN WAS NOT ISSUED A VALID PAL AND NGUYEN HAD AN ORDER OF PROHIBITION
OF POSSESSION OF FIREARM, AMMUNITION OR EXPLOSIVE SUBSTANCE DATED
OCTOBER 5, 2004, WHICH WAS IN EFFECT FOR AN INDEFINITE TIME PERIOD (CPS
CASE 04248333 REFERS);

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NAVROS WAS NOT ISSUED A VALID PAL;

HA WAS NOT ISSUED A VALID PAL;

MIRABACK WAS NOT ISSUED A VALID PAL AND MIRABACK HAD AN ORDER OF PROHIBITION OF POSSESSION OF FIREARM, AMMUNITION OR EXPLOSIVE SUBSTANCE DATED SEPTEMBER 24, 2007, WHICH WAS IN EFFECT UNTIL SEPTEMBER 23, 2012 (CPS CASE 07237535 REFERS).

I ALSO REVIEWED AND SUMMARIZED THE NOTES OF CST. WILLIAMS.

██████████ WILL STATE:

I WAS CONTACTED BY THE POLICE AND ASKED ABOUT WHAT I SAW EARLIER IN THE DAY AT CARBURN PARK. I TOLD CST BUDD THAT I WAS OUTSIDE WHEN I SAW A YOUNG PERSON RUNNING NORTHBOUND ON THE RIDGE WEARING A BLACK HAT, BLACK SHIRT AND DARK PANTS. HE WAS RUNNING LIKE HELL AND HAD TO BE RUNNING FROM SOMETHING. THEN I SAW THE POLICE CAR AND THOUGHT HE WAS RUNNING FROM THEM. I DIDN'T SEE ANYONE IN THE PARKING LOT BEFORE THAT THOUGH. I SPOKE WITH A WOMAN WHO WAS WALKING HER DOG AND SHE TOLD ME THAT SHE SAW ANOTHER PERSON RUNNING, BUT THAT THE SECOND PERSON WAS WEARING A WHITE SHIRT AND RAN IN TOWARDS CARBURN PARK IN ADDITION TO THE PERSON THAT I SAW.

DET. GUICHON/2945 WILL STATE:

AT 2115 HOURS ON 09/04/01 DET. RAHN/3096 ASKED ME TO ARRANGE FOR THE RELOCATION OF A VEHICLE WHICH WAS THE SUBJECT OF A SEARCH WARRANT APPLICATION IN RELATION TO THIS FILE. THE VEHICLE IN QUESTION IS A SILVER 2000 GMC SAFARI VAN BEARING ALBERTA LICENSE PLATE #M17537 AND VIN #1GKEL19W1YB501834. UPON BEING SEIZED BY CPS MEMBERS EARLIER IN THE DAY THE VEHICLE HAD ORIGINALLY BEEN TAKEN TO THE TURNER SIDING BUILDING LOCATED AT 75 HERITAGE ROW S.W. HOWEVER NEEDED TO BE RELOCATED TO THE HUSKY BUILDING LOCATED AT 431 - 6 AVE. S.E. I ATTENDED AT HERITAGE ROW AT 2151 HOURS 09/04/01 AND WAS MET THERE BY CITY WIDE TOWING DRIVER ██████████ #8527, WHO ARRIVED AT 2200 HOURS. AT 2217 HOURS WE DEPARTED HERITAGE ROW WITH ME FOLLOWING ██████████ AND THE SUBJECT VEHICLE. WE ARRIVED AT THE HUSKY BUILDING AT 2240 HOURS. THE VEHICLE WAS SECURED IN BAY #6 AND WE DEPARTED THE HUSKY BUILDING AT 2255 HOURS.

CST WENINGER 4146 WILL STATE: ON 09/04/01 AT 1948 HRS, I ASSISTED DET PROCEE 2907 AND ATTENDED TO 722 16 AV NE. I WAS BRIEFED AND SHORTLY THEREAFTER I ARRESTED DANNY NGUYEN AT 2003 HRS. I TRANSPORTED HIM TO THE ANDREW DAVIDSON BUILDING WHERE HE WAS PLACED IN A SECURE ROOM.

AT 2100 HRS I TURNED OVER NGUYEN TO DET PROCEE.

CST WHITEHEAD 4583 WILL STATE: ON 09/04/01 AT 1948 HRS, I ASSISTED

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DET PROCEE 2907 AND ATTENDED TO 722 16 AV NE. I WAS BRIEFED AND MY PARTNER CST WIENINGER. WE TRANSPORTED HIM TO THE ANDREW DAVIDSON BUILDING WHERE HE WAS PLACED IN A SECURE ROOM.

DET PROCEE 2907 WILL STATE: ON 09/04/01 AT 1640 HRS I ATTENDED 6 D.O. AND MET WITH CST SMITH 3867. I WAS ADVISED OF THE ARREST OF DANG NGUYEN. I PHOTOGRAPHED NGUYEN'S RUNNERS, BASEBALL CAP AND BELT.

AT 1725 HRS NGUYEN WAS RELEASED FROM 6 D.O. ON A PROMISE TO APPEAR. NGUYEN WAS OBSERVED ENTERING CHECKER CAB #701. NGUYEN PROCEEDED TO DEERFOOT MEADOWS WHERE HE ENTERED THE PHO RESTAURANT AT 1733 HRS AND EXITED 3 MINUTES LATER CARRYING A MULTI COLOURED CELL PHONE UP TO HIS EAR.

I WAS ADVISED BY CST SMITH THAT A SAFARI GMC VAN WAS LOCATED A SHORT DISTANCE AWAY FROM THE LOCATION NGUYEN WAS ARRESTED AND INSIDE THE VAN WERE NUMEROUS FIREARMS AND BODY ARMOR.

NGUYEN WAS THEN FOLLOWED TO 722 16 AV NE, THE CAREWEST INNOVATIVE HEALTH CARE CENTRE. THE CAB LEFT THE CENTRE AND A SHORT TIME LATER I LEARNED THAT NGUYEN EXITED THE CAB AND ENTERED THE CENTRE. I LATER RE-ATTENDED TO THE CENTRE AND SPOKE TO DIRECTOR, [REDACTED]

[REDACTED] WAS ADVISED THAT NGUYEN HAD ENTERED HIS BUSINESS, [REDACTED] SUGGESTED THAT HE COULD TAKE US TO THE DIFFERENT POD AREAS TO SEARCH FOR NGUYEN. LATER NGUYEN WAS LOCATED IN ROOM W345 WITH HIS FRIEND AND PATIENT, [REDACTED] AS WELL AS THREE GIRLS. NGUYEN WAS SUBSEQUENTLY ARRESTED WITH THE ASSISTANCE OF CSTS WIENINGER AND WHITEHEAD. NGUYEN WAS TRANSPORTED TO THE ANDREW DAVIDSON BUILDING WHERE I ATTENDED SHORTLY THEREAFTER AND TOOK CONTINUITY OF HIM.

I ENSURED NGUYEN WAS GIVEN THE OPPORTUNITY FOR HIS FREE LEGAL AID PHONE CALLS.

AT 2347 HRS NGUYEN WAS TRANSPORTED TO APU WHERE AT THAT TIME I SEIZED HIS RUNNING SHOES. NGUYEN WAS PROCESSED AS THE APPROPRIATE PAPERWORK WAS COMPLETED.

I ALSO ADVISED BILL LY OF ADDITIONAL CHARGES OF WEAPONS OFFENCES AND DRUG OFFENCES. I ENSURED THAT APU STAFF WERE AWARE SO THAT BILL LY COULD MAKE HIS LEGAL AID PHONE CALLS.

DET. LOTZER 3485 WILL STATE: ON 09/04/01 I ASSISTED WITH THIS COMPLAINT, I OBSERVED DANG NGUYEN AS HE LEFT 6 D.O. MADE HIS WAY TO THE PHO RESTAURANT, AND THEN TO THE CAREWEST INNOVATIVE HEALTH CARE CENTRE AT 722 16 AV NE. I WAS IN ATTENDANCE WHEN NGUYEN WAS LOCATED AND ARRESTED. I ASSISTED TRANSPORTING NGUYEN TO APU AND PROCESSED HIM AT THAT LOCATION.

I THEN ASSISTED COMPLETING SHOW CAUSE DOCUMENTATION FOR NGUYEN AND BILL LY.

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~~~~~ [REDACTED] WILL STATE: ON APRIL 1, 2009, I WAS SITTING IN MY RESIDENCE WHICH FACES CARBURN PARK. I SAW TWO YOUNG MEN RUNNING UP OVER THE HILL FROM THE PARKING LOT, THEY RAN VERY FAST AND THREW THE PARK AT THE END OF OUR COURT AND OUT OF SIGHT.

ONE MALE DRESSED ALL IN BLACK WITH A HAT, MALE NUMBER 2 UNKNOWN DESCRIPTION.

~~~~~ [REDACTED] WILL STATE: ON APRIL 1, 2009, APPROX. 1430 HRS, I WAS STANDING ON THE SIDEWALK IN FRONT OF MY HOUSE TALKING TO MY NEIGHBOUR WHEN 5 YOUTHS (4 ASIAN, 1 CAUCASIAN) APPEARED FROM AROUND THE BEND IN THE ROAD TO THE SOUTH OF MY HOUSE, THEY WERE SLIGHTLY SEPARATED IN PACING (FROM START TO END) ABOUT 20 FEET. THE FRONT 2 WERE BREATHING LIKE THEY HAD BEEN RUNNING, THEY WERE ALL WALKING AT A FAST PACE. I DID NOT HEAR ANY CONVERSATION AMONGST THEM EXCEPT FROM THE CAUCASIAN MALE WHO SPOKE TO ONE OF MY DOGS. THEY CONTINUED PAST MY HOUSE AND TURNED RIGHT AT THE CORNER OF MY STREET. I GOT ON THE PHONE TO CPS AND PARTWAY INTO MY CONVERSATION A POLICE UNIT PULLED INTO THE STREET. I OBSERVED THE SAME YOUTHS WITH TWO POLICE CSTS NORTH DOWN THE LANE AS YOU LEAVE MY STREET. THEY KEPT LOOKING OVER THEIR SHOULDER AS THEY WENT DOWN THE STREET.

DESCRIPTIONS:

- 1) ASIAN MALE  
5'4"  
DARK CLOTHES
- 2) ASIAN MALE  
5'7"  
DARK CLOTHES
- 3) CAUCASIAN MALE  
6'1"  
LIGHT SHIRT  
DARK JEANS  
MAY HAVE HAD SOME KIND OF HEAD GEAR
- 4) ASIAN MALE  
5'6"  
DARK PANTS
- 5) ASIAN MALE  
5'7"  
DARK CLOTHES

ONE MAY HAVE HAD SOMETHING ON HIS ARM, ONE WAS CARRYING EITHER A TOQUE OR A SWEATER.

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[REDACTED] WILL STATE: ON APRIL 1, 2009, AT APPROX. 2:30P.M. I WAS AT MY NEIGHBOURS HOUSE WHEN 5 MALES WALKED BY. FOUR MALES WERE IN A LEADING GROUP AND ONE FOLLOWING BEHIND. I DID NOT SEE THE LEADING 4 AS I HAD MY BACK TO THEM. I DID TURN TO SEE THE 5TH MALE, HE WAS WHITE AND HAD HIS ARM IN A SLING AND POSSIBLY A LIMP, THEY WERE ON THE CORNER OF RIVERSIDE CL TOWARDS RIVERSIDE DR.

[REDACTED] AND MYSELF GOT INTO [REDACTED] S CAR AND FOLLOWED THE GROUP, SPOTTED THE GROUP BEING DETAINED BY THE POLICE IN THE ALLEY BEHIND RIVERSIDE DR. WE DROVE FAST ON RIVERSIDE DR, TURNED LEFT ONTO RIVERSIDE CI WHERE WE SAW THE GROUP AGAIN IN THE ALLEY TALKING TO THE POLICE. AT THIS POINT WE RETURNED HOME.

DESCRIPTION:

5TH MALE: 18 - 23 YEARS, CAUCASIAN, ARM IN SLING, 5'10", WHITE T-SHIRT, DARK HAIR, SHORT, DARK PANTS, CARRYING A BLACK JACKET.

[REDACTED] WILL STATE: I WAS COMING HOME FROM WORK TODAY AND SAW 4 BOYS RUNNING DOWN THE BACK ALLEYWAY, THEY WERE OLDER BOYS, TEENAGERS, TALL, ONE BOY HAD A WHITE T-SHIRT AND JEANS. THEY ALL HAD T-SHIRTS, NOT JACKETS. I THOUGHT THIS WAS ODD SINCE IT REALLY WASN'T THAT WARM TO BE OUT WITHOUT A JACKET. I FELT THAT WAS STRANGE BECAUSE IT WAS UNUSUAL TO SEE BOYS RUNNING AS IF THEY WERE RUNNING FROM SOMETHING.

THE BOY THAT WAS RUNNING LAST HAD DARK WELL GROOMED HAIR TO THE MID NECK.

THERE WAS A POLICE VEHICLE AHEAD OF ME WHO TURNED ONTO RIVERSIDE CL SE AND TURNED AROUND ON THE STREET.

STATEMENT OF: CST DARCY WILLIAMS #3324
ON APRIL 1, 2009 AT APPROXIMATELY 1621 HOURS I WAS REQUESTED BY CST JOHNSTON #3587 TO ATTEND THE RIVERBEND AREA TO ASSIST IN AN AREA SEARCH FOR ITEMS THAT MAY HAVE BEEN DISCARDED BY A GROUP OF FIVE MALES THAT HAD EARLIER BEEN LOCATED. ON ARRIVAL AT 1637 HOURS I ARRIVED IN THE ALLEY BEHIND 27 RIVERSIDE CLOSE SE. I BEGAN AN AREA SEARCH OF THE AREA THE MALES HAD LAST BEEN SEEN. I OBSERVED THREE DIFFERENT SETS OF FOOTPRINTS IN THE SNOW ALONG THE WEST SIDE OF THE ALLEY. ONE WAS A SIZE 9-10 NIKE SHOX TYPE WITH FOUR DISTINCT CIRCLES THE SIZE OF A LOONIE IN THE HEEL AREA, THE SECOND WAS AN APPROXIMATE SIZE 9 NARROW SHOE WITH THIN HORIZONTAL LINES IN BOTH THE HEEL AND FRONT FOOT AREA, THE THIRD WAS AN APPROXIMATE SIZE 11 RUNNING SHOE WITH A DISTINCT RIBBON TYPE DESIGN IN THE HEEL AREA. I FOLLOWED THESE PRINTS SOUTH IN THE ALLEY AT WHICH POINT I NOTICED A PAIR OF BLACK TRACK PANTS HANGING ON THE EDGE OF A GREEN GARBAGE CAN IN THE GARBAGE CHUTE AT #7 RIVERSIDE CIRCLE SE. THIS ITEM WAS SEIZED BY MY BACKUP.

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I CONTINUED FOLLOWING THE FOOTPRINTS SOUTH TO THE MOUTH OF THE ALLEY ONTO RIVERSIDE CLOSE SE. ON THE SOUTH SIDE OF #3 RIVERSIDE CLOSE SE, I OBSERVED A PAIR OF WHITE GLOVES WITH A YELLOW STRIPE ON THE CUFF. I WAS NOTIFIED BY MY BACKUP THAT THEY HAD LOCATED A SIMILAR PAIR WHERE THE 5 MALES HAD EARLIER BEEN HIDING. THESE GLOVES WERE AGAIN SEIZED BY MY BACK UP. I WAS INFORMED THAT A WITNESS HAD OBSERVED THE FIVE MALES HEADING SOUTH TO NORTH ON RIVERSIDE CLOSE SE. I PROJECTED IN A SOUTH DIRECTION AND LOCATED A PARTIAL PRINT OF ONE OF THE FOOTWEAR IMPRESSIONS (NIKE SHOXRUNNING SHOE). I CONTINUED WEST AT THE NATURAL BEND OF THE STREET CHECKING BOTH THE NORTH AND SOUTH PROPERTIES FOR ANY SIGN OF THE PREVIOUS NOTED FOOTPRINTS, THIS WAS NEGATIVE.

THE FOOTPRINTS WERE RE-ACQUIRED IN A GREEN SPACE BETWEEN 183 & 191 RIVERSIDE CLOSE SE. ALL THREE OF THE FOOTPRINTS FOUND IN THE ALLEY WERE ALSO LOCATED IN THE GREEN SPACE. I CONTINUED TO FOLLOW ARE THREE OF THE PRINTS TOWARDS THE PARKING LOT OF CARBURN PARK. THE PRINTS WERE TEMPORARILY LOST AS THERE WAS NO SNOW ON THE SLOPE LEADING TO THE PARKING LOT. ONE OF THE FOOTPRINTS WAS RE-ACQUIRED AT THE BOTTOM OF THE HILL LEADING TOWARDS THE NORTHWEST CORNER OF THE LOT. UPON REACHING THE PARKING LOT A BLACK BALACLAVA WAS LOCATED ON THE GROUND APPROXIMATELY 3 FEET FROM A SILVER GMC SAFARI WITH ALBERTA LICENSE M17537 (VEHICLE BACKED IN TO STALL). MY BACKUP SEIZED THE BALACLAVA. I NOTED ONE OF THE THREE FOOTPRINTS NEAR THE REAR OF THE SAFARI BETWEEN TWO OF THE PERIMETER WOODEN PARKING PEGS. I FOUND THE SAFARI VEHICLE TO BE UNLOCKED. UPON OPENING THE PASSENGER SIDE SLIDING DOOR TO SEE IF ANYONE WAS INSIDE I SAW A DUFFEL BAG CONTAINING VARIOUS ITEMS OF CLOTHING CONSISTING OF BANDANAS, DARK HEAD GEAR, AND A SIMILAR PAIR OF WHITE GLOVES WITH YELLOW TRIM ON THE CUFF. UNDER THE BENCH SEAT I OBSERVED A SET OF BODY ARMOUR. A LARGE PIECE OF CARPET WAS FOLDED UP AND BUNCHED ON THE FLOOR BETWEEN THE FRONT SEAT AND THE BENCH.

I LOOKED INTO THE AREA OF THE FOLDS AND SAW A BLACK MUZZLE BELONGING TO A RIFLE AS WELL AS A BLACK HANDGUN. BOTH OF THE BARRELS WERE POINTED IN THE DIRECTION OF THE SLIDING DOOR. ON THE GROUND NEAR THE OPENING TO THE SLIDING DOOR I SAW TWO SMALL CLEAR BAGS WHICH LOOKED TO CONTAIN A POWDER LIKE SUBSTANCE. UPON DETERMINING THERE WAS NO ONE IN THE VEHICLE I CLOSED THE SLIDING DOOR AND NOTIFIED CST JOHNSTON #3587. I WAS THEN INFORMED THAT A SET OF WHITE BODY ARMOUR COULD BE SEEN THROUGH THE WINDOW AT THE REAR OF THE VAN. I CONTACTED DET LOTZER #3485 AND NOTIFIED HIM OF THE VEHICLE AND WHAT I HAD SEEN. I CONTACTED DISPATCH AND ASKED THAT AN IDENT UNIT MEMBER ATTEND TO PHOTOGRAPH THE FOOTPRINTS IN THE SNOW I HAD FOLLOWED. I CONDUCTED A PERIMETER SEARCH OF THE ENTIRE PARKING LOT HOWEVER I WAS UNABLE TO FIND ANY ONE OF THE THREE SETS OF FOOTPRINTS I HAD FOLLOWED INTO THE PARK. I ALSO CHECKED THE AREA TO THE NORTH OF THE PARKING LOT UP TO THE PROPERTIES BACKING ONTO IT AND AGAIN WAS UNABLE TO SEE ANY OF THE THREE FOOTPRINTS. CST AEBIG #2888 OF THE IDENT UNIT ARRIVED ON SCENE AND I POINTED OUT THE FOOTPRINTS I HAD FOLLOWED FROM BEHIND 27 RIVERSIDE CLOSE SE TO THE CARBURN PARK PARKING LOT. I WAS REQUESTED TO ATTEND THE ARREST PROCESSING UNIT TO VIEW THE FOOTWEAR THAT BELONGED TO BILL LY, ONE OF THE FIVE MALES THAT HAD BEEN ARRESTED. UPON VIEWING THE FOOTWEAR I WAS SATISFIED IT WAS VERY SIMILAR

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TO THE FOOTPRINTS PRESENT IN THE ALLEY AND THE GREEN SPACE LEADING TO THE CARBURN PARK PARKING LOT. I LATER RETURNED TO THE CARBURN PARK PARKING LOT AND ASSISTED CST DAN ROGERS #3560 IN SHOWING HIM THE FOOTPRINTS AND THE DIRECTION OF THE TRACK.

DET CARRIERE 3281 WILL STATE: ON 09/04/01 I ASSISTED ON THIS COMPLAINT. I COMPLETED A SEARCH WARRANT AND ASSISTED WITH THE COMPLETION OF THIS REPORT AND ENSURED THAT THE APPROPRIATE CHARGES WERE LAID.

I WAS ADVISED OF THE ARREST DANG NGUYEN AND BILL LY AND ASSISTED IN THIS INVESTIGATION. I BECAME THE AFFIANT ON THE SEARCH WARRANT ON THE SAFARI VAN AND UPON OBTAINING JUDICIAL AUTHORIZATION I ADVISED CRIME SCENES UNIT MEMBER SGT EDWARDS WHO SUBSEQUENTLY ASSIGNED A CSU MEMBER TO ASSIST.

CST DENTANDT #3923 WILL STATE: ON 1 APRIL 2009 I WAS WORKING UNIFORMED PATROL WITH MY PARTNER, CST MACARTHUR #4628. I HEARD OVER THE RADIO THAT ANOTHER UNIT WANTED US TO CHECK OUT AN ADDRESS 240 RIVERBEND CLOSE SE TO SPEAK WITH A COUPLE MALES WHO MIGHT HAVE INFORMATION FOR US ABOUT A GROUP OF ASIAN MALES SEEN RUNNING IN THE AREA.

I ATTENDED AND SPOKE WITH THE MALES WHO SAID THAT A GROUP OF ASIAN MALES AND ONE CAUCASIAN MALE WERE SEEN RUNNING DOWN THE STREET AND SEEMED OUT OF BREATH. THE MALES LIVE IN THE NEIGHBORHOOD AND SAID THAT THIS GROUP OF MALES DON'T.

I THEN WENT TO THE LOCATION WHERE THE MALES WERE STOPPED BY OTHER OFFICERS. CST JOHNSON #3587 WAS DEALING WITH THE GROUP OF MALES. WHILE SPEAKING WITH THE MALES I NOTICED THAT ONE OF THEM, WAYNE HA, WAS WEARING A PAIR OF NIKE SPRING SHOES. THE SOLES OF THESE SHOES WERE VERY DISTINCTIVE. THEY HAD FOUR ROUND SPRING-LIKE CUSHIONS ON EACH HEEL. ONCE JOHNSON WAS DONE WITH THE MALES THEY LEFT THE AREA ON FOOT.

A SHORT TIME LATER I RETURNED TO THE AREA TO ASSIST IN CONDUCTING A MAN TRACK AND ITEM SEARCH. I LOCATED A PAIR OF BLACK COTTON GLOVES UNDER A DUMP TRUCK. THE GLOVES WERE FOLDED TOGETHER AND COMPLETELY DRY, LYING ON TOP OF SOME SNOW. WE STARTED THE MAN TRACK SOUTHBOUND IN THE ALLEY BEHIND #7 RIVERBEND CLOSE. WE FOLLOWED THE FOOTPRINTS SOUTH AND ALONG THE WAY FOUND A PAIR OF DRY BLACK SHINY TRACK PANTS WITH A WHITE STRIPE DOWN THE SIDES IN A GARBAGE BAG BEHIND #7 RIVERBEND CLOSE.

WE CONTINUED SOUTH BOUND FOLLOWING THE TRACKS IN THE SNOW AND FOUND A PAIR OF WHITE COTTON GLOVES WITH YELLOW TRIM ON THE SOUTH YARD BEHIND #3 RIVERBEND CLOSE, CLOSE TO THE ENTRY OF THE ALLEYWAY.

WE CONTINUED THE MAN TRACK SOUTHBOUND ON RIVERBEND CLOSE FOLLOWING THE PATH THAT THE MALES HAD MADE, ACCORDING TO THE INFORMATION GIVEN BY THE TWO PREVIOUSLY MENTIONED MALES.

THERE WAS A GREEN SPACE LOCATED AT THE FAR SOUTHWEST CORNER OF RIVERBEND

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CLOSE WHERE WE LOCATED THE SAME NIKE SHOCK SHOES FOOTPRINTS IN THE SNOW. WE FOLLOWED THE TRACKS IN THE SNOW SOUTH AND WEST TO THE PARKING LOT OF CARBURN PARK. THERE WAS A BLACK BALACLAVA FOUND NEAR THE REAR OF A SILVER GMC SAFARI BEARING ALBERTA MARKER M17537. I LOOKED INTO THE WINDOWS OF THE VAN AND COULD SEE IN PLAIN VIEW A PAIR OF WHITE COTTON GLOVES WITH YELLOW TRIM THAT MATCHED THE ONE PAIR ALREADY FOUND SITTING ON THE BACK BENCH. I COULD ALSO SEE THE MUZZLE/FLASH SUPPRESSER OF AN ASSAULT RIFLE STICKING OUT THE END OF SOME ROLLED UP CARPET IN THE MIDDLE OF THE VAN. THERE WAS SOME WHITE BODY ARMOR UNDERNEATH THE REAR BENCH SEAT. THERE WAS A BLACK DUFFLE BAG FULL OF WHAT APPEARED TO BE BLACK CLOTHING SITTING NEXT TO THE ROLLED UP CARPET.

I TOOK CONTINUITY OF THE CLOTHING FOUND ALONG THE WAY AND LATER TURNED OVER THE CONTINUITY TO CST VOTH #4135 AT 1825 HOURS.

CST. RYAN MACARTHUR 4527 WILL STATE:

ON APRIL 1, 2009, MY PARTNER, CST. DENTANDT #3923, AND I RESPONDED TO A REQUEST TO ASSIST WITH A SUSPICIOUS PERSON CALL. WE WERE REQUESTED TO SPEAK WITH TWO GENTLEMEN WHO APPEARED TO BE FLAGGING ANOTHER UNIT DOWN WHILE THEY WERE BUSY PURSUING INDIVIDUALS. WHILE TALKING TO THE INDIVIDUAL HE INDICATED THAT A GROUP OF MALES RAN NORTHBOUND ON RIVERSIDE CLOSE SE.

WE THEN WENT TO BACK UP CST. JOHNSTON #3587 IN AN ALLEY BEHIND 304 RIVERBEND DRIVE. JOHNSTON HAD 3 MALES STANDING IN THE ALLEY BY HIS CAR. THE MALES HAD PREVIOUSLY IDENTIFIED THEMSELVES TO CST. JOHNSTON. TWO OTHER INDIVIDUALS WERE ALREADY IN THE BACK OF TWO POLICE CARS.

THE FIRST MALE, WAS CAUCASIAN WITH BROWN HAIR, STANDING APPROXIMATELY 5'8" TO 5'10" TALL. HE WORE BLACK TRACK PANTS, A BLACK ZIP-UP HOODIE, A BLACK HAT, AND WHITE PUMA SHOES.

THE SECOND MALE, HAD BROWN-COLOURED SKIN, WITH BLACK HAIR, STANDING APPROXIMATELY 5'6" TO 5'8" TALL. HE WORE BLACK TRACK PANTS, A BLACK HUGO BOSS HOODIE, A BLACK HUGO BOSS HAT, AND BLACK RUNNING SHOES.

THE THIRD MALE, WAS ASIAN, WITH BLACK HAIR, STANDING APPROXIMATELY 5'6" TO 5'10" TALL. HE WORE DARK BLUE JEANS, A BLACK JACKET, A BLACK HAT, AND BLACK AND WHITE RUNNING SHOES WITH 4 "SHOCKS" ON THE HEELS.

SPEAKING WITH THE THREE MALES, IT WAS INDICATED THAT THEY HAD BEEN AT A FRIEND'S HOUSE, WHO THEY WOULD NOT IDENTIFY. THEY STATED THEY WERE HAVING A RACE TO SEE WHO WAS FASTEST. THEY INDICATED THEY WERE GOING TO GET SOMETHING TO EAT AT THE RIVERBEND STATION.

THE THREE MALES WERE RELEASED. WE LEFT THE LOCATION, BUT WERE CALLED BACK TO THE SCENE TO SEARCH FOR POSSIBLE WEAPONS. CST. DENTANDT #3923 SEIZED A PAIR OF BLACK COTTON GLOVES LOCATED AT THE SCENE. WE AWAITED K9 AND ADDITIONAL OFFICERS. WE BEGAN A 6-OFFICER MAN-TRACK DOWN THE WESTWARD FACING ALLEY FROM THE POINT OF THE INITIAL INTERACTION. WE

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FOUND NO FOOTPRINTS OR OTHER EVIDENCE.

WE THEN BEGAN A SEARCH SOUTHBOUND FROM THE INITIAL INTERACTION. WE FOUND SHOE PRINTS HEADING NORTHBOUND IN THE ALLEY WITH A DISTINCTIVE SHOE PRINT WITH 4 ROUND CIRCLES IN THE HEEL, SIMILAR TO THE HEELS ON HA'S SHOES. IN A GARBAGE CAN BEHIND #7 RIVERSIDE CLOSE, WE LOCATED A PAIR OF BLACK TRACK PANTS WITH SINGLE WHITE STRIPES RUNNING DOWN THE SIDES. CST. DENTANDT SEIZED THESE PANTS. A PAIR OF WHITE COTTON GLOVES WITH A YELLOW BAND AROUND THE WRIST WAS LOCATED ON THE SOUTH LAWN OF #3 RIVERSIDE CLOSE. I SEIZED THESE GLOVES.

WE THEN HEADED TO THE AREA WHERE THE ORIGINAL INDIVIDUAL WE SPOKE TO INDICATED THE INDIVIDUALS RAN FROM. WE WERE ABLE TO FIND FOOTPRINTS SIMILAR TO THOSE FOUND IN THE ALLEY COMING OUT OF A GREENSPACE. WE TRACKED THE FOOTPRINTS TO THE PARKING LOT OF CARBURN PARK. WE FOUND A BLACK BALACLAVA LOCATED NEAR THE NORTHWEST CORNER OF THE PARKING LOT BEHIND A SILVER GMS SAFARI VAN WITH LICENSE PLATE M17537. THE BALACLAVA WAS SEIZED BY CST. DENTANDT. LOOKING INTO THE VAN, THERE WERE, IN PLAIN VIEW, A CELL PHONE, SEVERAL BANDANAS, A BLACK DUFFEL BAG WITH DARK CLOTHING IN IT, A BULLET-PROOF VEST, A PAIR OF WHITE COTTON GLOVES SIMILAR TO THOSE FOUND PREVIOUSLY, AND WHAT APPEARED TO BE THE MUZZLE OF A GUN.

THE EVIDENCE I SEIZED WAS TURNED OVER TO CST. SHAWNA VOTH #4135

CST. VAN CAEYZEELE 3466 (NWEST) WILL STATE: ON 2009-04-02 I WAS CONTACTED BY THE INVESTIGATORS TO ASSIST IN THIS FILE AND TO EXAMINE AND CLASSIFY THE SEIZED FIREARMS. I ATTENDED THE CALGARY POLICE SERVICE CRIME SCENES UNIT AND BEGAN TO EXAMINE THE 5 SEIZED FIREARMS. USING A COMMERCIAL TAPE MEASURE AND ISSUED MEASURING RODS FROM THE CANADIAN FIREARMS CENTRE I EXAMINED THE TWO SEIZED SHOTGUNS AND FOUND THAT ONE SHOTGUN HAD ITS BARREL LENGTH ALTERED BY AN UNKNOWN CUTTING TOOL AND ITS BARREL LENGTH WAS LESS THAN 457MM IN LENGTH, CLASSIFYING IT AS A PROHIBITED FIREARM.

THE REMAINING SHOTGUN APPEARED TO HAVE HAD AN UNALTERED BARREL LENGTH AND WAS CLASSIFIED AS A NON RESTRICTED FIREARM ACCORDING TO THE RCMP FIREARMS REFERENCE TABLE (FRT).

I EXAMINED BOTH HANDGUNS AND FOUND ONE HANDGUN TO HAVE A BARREL LENGTH OF APPROXIMATELY 105MM IN LENGTH. A FRT QUERY REVEALED THAT PARTICULAR MAKE AND MODEL OF FIREARM IS CLASSIFIED AS A PROHIBITED FIREARM IN CANADA. THE REMAINING FIREARM WAS CLASSIFIED AS A RESTRICTED FIREARM. THE ASSAULT RIFLE STYLE FIREARM WAS EXAMINED AND AN FRT QUERY REVEALED THAT PARTICULAR FIREARM IS A PROHIBITED FIREARM IN CANADA. I EXAMINED THE MAGAZINES AND RELATED AMMUNITION FROM EACH MAGAZINE, AS SEIZED BY THE CRIME SCENES UNIT, AND FOUND 3 OF THE MAGAZINES EXCEEDED THE LEGAL CAPACITY CLASSIFYING THEM AS PROHIBITED DEVICES. I SPOKE WITH THE PRIMARY INVESTIGATOR AND RECOMMENDED THE APPROPRIATE CHARGES BASED ON HIS EVIDENCE TO SUPPORT EACH CHARGE.

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WILL STATE: "ON 2009/04/01 AT 1807 HOURS, I PHOTOGRAPHED THREE DIFFERENT FOOTWEAR IMPRESSIONS IN THE SNOW NEAR THE NORTH EXIT FROM CARBURN PARK ONTO RIVERSIDE CLOSE. ALL THREE IMPRESSIONS WERE LEADING AWAY FROM THE PARKING LOT AND TOWARDS THE CLOSE. I ALSO PHOTOGRAPHED TWO FOOTWEAR IMPRESSIONS IN THE SNOW NEAR THE CARBURN PARK PARKING LOT. THEY WERE AT THE REAR OF A GREY GMC SAFARI VAN BEARING ALBERTA PLATE M17537 AND WERE HEADING IN THE GENERAL DIRECTION OF THE EXIT TO RIVERSIDE CLOSE. THE IMPRESSIONS APPEARED TO BE THE SAME AS TWO OF THREE IMPRESSIONS UP CLOSER TO THE NORTH EXIT.

DET FULTON 2381 WILL STATE: ON APRIL 7, 2009 DET. FULTON 2381 ATTENDED THE CPS INDOOR RANGE TO TEST FIRE 5 FIREARMS SEIZED UNDER CASE NUMBER 09112050.

EXHIBIT LG-47 IS A SMITH & WESSON MODEL SW40VE, .40 CAL. SEMI AUTO PISTOL. SERIAL NUMBER WAS GROUND OFF. TWO ROUNDS OF .40 CAL. AMMO WERE USED IN THE TEST FIRE. THESE ROUNDS WERE LOCATED IN THE MAGAZINE OF THE PISTOL WHEN IT WAS SEIZED. PISTOL FIRED IN A SEMI AUTO MODE. FIRED CASES WERE STORED WITH THE EXHIBIT.

EXHIBIT LG-49 IS A GLOCK MODEL 17, 9 MM SEMI AUTO PISTOL, SER. NUMBER BLM-285 US. TWO ROUNDS OF 9MM AMMO WERE USED FOR THE TEST FIRE. THESE ROUNDS WERE LOCATED IN THE MAGAZINE OF THE PISTOL WHEN IT WAS SEIZED. PISTOL FUNCTIONED IN A SEMI AUTO MODE. FIRED CASES STORED WITH THE EXHIBIT.

EXHIBIT LG-44 IS A HECKLER & KOCH MODEL 93, .223 SEMI AUTO RIFLE. SER. NUMBER A120105. TWO ROUNDS OF .223 AMMO WERE USED FOR THE FIRST TEST FIRE. THESE ROUNDS WERE LOCATED IN THE MAGAZINE THAT WAS IN THE RIFLE WHEN IT WAS SEIZED. AN ADDITIONAL 10 ROUNDS OF .223 FROM THE RANGE AMMO STORAGE WAS USED TO CONDUCT A SECOND TEST FIRE. THE RIFLE IS SUPPOSED TO OPERATE IN A SEMI AUTO ONLY. THE SAFETY SETTING WORKED, WHEN THE SELECTOR SWITCH WAS PUT TO SEMI AUTO FIRE THIS ALSO FUNCTIONED IN SEMI AUTO FIRE MODE. HOWEVER THE SELECTOR SWITCH CAN BE MOVED TO A 3 RD POSITION. WHEN THIS IS DONE THE RIFLE FIRED IN A FULL AUTOMATIC MODE. UPON INSPECTION OF THE TRIGGER GROUP IT IS APPARENT THAT A MODIFICATION HAD BEEN DONE. THIS ENABLED THE RIFLE TO BE FIRED EITHER IN SEMI AUTO OR FULL AUTO MODE. ALL SHELL CASINGS WERE STORED WITHIN THE EXHIBIT.

EXHIBIT LG-48 IS A REMINGTON MODEL 870 12 GAUGE PUMP SHOTGUN, SER. NUMBER A341491M. ONE ROUND OF 12 GA. AMMO THAT WAS LOCATED IN THE SHOTGUN WHEN IT WAS SEIZED WAS USED TO TEST FIRE. WEAPON FUNCTION WAS FINE. FIRED SHELL CASING STORED WITH THE EXHIBIT.

EXHIBIT LG-45 IS A REMINGTON MODEL 29 12 GAUGE PUMP SHOTGUN, SER. NUMBER 5143. THIS PARTICULAR SHOTGUN HAD A PORTION OF THE STOCK AND BARREL SAWED OFF. ONE ROUND OF 12 GA. AMMO THAT WAS IN THE SHOTGUN WHEN IT WAS SEIZED WAS USED TO TEST FIRE THE WEAPON. SHOTGUN FUNCTIONS

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PROPERLY. FIRED SHELL CASING STORED WITH EXHIBIT.

ALL EXHIBITS WERE RETURNED TO THE LOCKER OF CST. GALLEN #3020 OF CRIME SCENES UNIT, ON APRIL 7, 2009 AT 2:28 PM. THIS LOCKER IS LOCATED IN THE CPS HUSKY BUILDING.

A/DET. J. HANDS #3238 WILL STATE: ON APRIL 28, 2009 I ATTENDED 121 CORAL SANDS PL. N.E. WITH DET. T. HOKO #3003 WITH THE INTENT OF SPEAKING TO IRENE [REDACTED], THE REGISTERED OWNER OF A GREY 2006 HONDA ACCORD, LICENCE OF INTEREST IN THIS INCIDENT.

ARRIVING @ 1135H, WE MET A MALE (BELIEVED TO BE VICTOR [REDACTED]) @ THE DOOR AND LEFT WITH HIM HOKO'S BUSINESS CARD WITH A REQUEST TO HAVE IRENE CALL HIM WITH REGARDS TO HER VEHICLE.

SHE SUBSEQUENTLY CALLED BACK AND ARRANGEMENTS WERE MADE FOR US TO RETURN TO THE RESIDENCE.

ARRIVING @ 1330H, WE IDENTIFIED OURSELVES AGAIN TO VICTOR AND IRENE [REDACTED] @ THE DOORSTEP, WHO INITIALLY DECLINED TO LET US INTO THE RESIDENCE. THEY STATED THAT THEY HAD CALLED THEIR LAWYER AND THEY WOULD SPEAK TO US THROUGH THE OPEN DOOR.

AS IT WAS SNOWING OUTSIDE, THEY INVITED US TO STEP INTO THE FRONT FOYER OF THEIR RESIDENCE; WHERE DET. HOKO ADVISED THEM THAT WE WERE INVESTIGATING A SERIOUS MATTER, AND THAT SINCE A CAR REGISTERED TO IRENE WAS SEEN IN CARBURN PARK, WHETHER SHE WAS DRIVING IT ON APRIL 1ST.

A BRIEF INTERVIEW ENSUED, DURING WHICH IRENE STATED HER SONS CHRISTIAN AND NICK AND NICK DRIVE IT, AND THAT IT WAS POSSIBLE THAT CHRISTIAN WAS DRIVING IT THAT DAY. SHE SAID THAT HE WAS 20 YEARS OLD. THEY THEN DECLINED TO ANSWER ANY FURTHER QUESTIONS.

THE INTERVIEW ENDED AND WE LEFT THE RESIDENCE @ 1336H.

DET CARRIERE #3281 WILL STATE: I AM THE PRIMARY ON THIS INVESTIGATION AS WELL AS THE AFFIANT ON THE INITIAL SEARCH WARRANT EXECUTED ON 2009/04/02 ON THE SAFARI VAN IN QUESTION. I COORDINATED RESOURCES AND I REQUESTED FORENSIC TESTING BY CSU ON A NUMBER OF ITEMS FOUND WITHIN THE MOTOR VEHICLE.

I MADE INQUIRIES WITH THE CORAL AUTOMART WHO SOLD THE VAN TO AN UNKNOWN MALE ON 2009/03/28. IT WAS DETERMINED THAT THIS VEHICLE WAS PURCHASED BY A MALE WHO HAD NO IDENTIFICATION, PAID CASH, AND GAVE A FALSE NAME, ADDRESS, AND PHONE NUMBER. WHEN THE CULPRIT LEFT THE DEALERSHIP, HE ATTACHED A DEALER PLATE TO THE REAR OF THE VEHICLE. ON 2009/04/01 A STOLEN DEALER PLATE WAS LOCATED ON THE REAR OF THE VEHICLE. DEALER PLATES ARE OFTEN USED IN CRIMINAL ACTIVITY AS THEY ARE NOT REGISTERED TO SPECIFIC VEHICLES AND THEREFORE LESS DETECTABLE BY

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POLICE.

I BELIEVE THIS VAN'S SOLE PURPOSE WAS TO ACT AS AN UNTRACEABLE VEHICLE TO BE USED IN VIOLENT ACTS.

I WAS ADVISED BY CST GALLEN #3020 OF THE CRIME SCENES UNIT THAT IT APPEARED THE OCCUPANTS WORE GLOVES THROUGHOUT THE MOTOR VEHICLE, AS AT NO POINT DID SHE EVER FIND A FINGERPRINT OR SMUDGE ON ANY COMPONENT OF THE MOTOR VEHICLE. THIS IS CONSISTENT WITH MY BELIEF PERTAINING TO THE PURPOSE OF THE VEHICLE.

AS PER THE INVESTIGATIVE DETAILS, AN ANALYSIS WAS CONDUCTED OF ALL THE WAL-MART TAGS FOUND WITHIN THE SAFARI VAN. THE ACCUSED AND THE 3 SUSPECTS WERE ALL OBSERVED WEARING COMPONENTS OF THIS CLOTHING. I BELIEVE THE USE OF CHEAP/TEARAWAY CLOTHING IS THAT THEY CAN DISPOSE ANY OUTER WEAR USED DURING THE COMMISSION OF AN OFFENCE TO CHANGE THEIR LOOK, AND TO FORENSICALLY LIMIT POLICE IN THEIR INVESTIGATION.

TWO CELLULAR DEVICES WERE FOUND WITHIN THE VAN, BOTH OF WHICH APPEAR (IN PRELIMINARY EXAMINATION) TO BE REGISTERED TO FALSE NAMES AND ADDRESSES. THIS AGAIN IS DONE TO PREVENT THE POLICE FROM CONNECTING CULPRITS TO THE OFFENCE OR THE PHONE.

I SPOKE WITH CST JOHNSTON #3587 AND DETERMINED THAT WHILE SPEAKING WITH THE SUSPECTS, HE WAS ADVISED THAT THEY WERE TRAVELLING TO THE RIVERBEND STATION PUB. WHEN PLOTTING THE DIRECTION OF THEIR TRAVELS WHEN LOCATED BY POLICE, IT APPEARS THAT THEIR INITIAL TRAVEL ROUTE WAS IN THE OPPOSITE DIRECTION OF THE ACTUAL RIVERBEND PUB.

CST JOHNSTON ALSO OBSERVED THAT ONLY ONE MALE APPEARED TO HAVE A KEY IN HIS POSSESSION, WHO WAS CHRISTIAN NAVOS. CST JOHNSTON NOTED THAT IT WAS A HONDA KEY. UPON RELEASING THE ADDITIONAL 3 SUSPECTS (HA, MIRABACH, NAVOS) A BACK TRACK WAS CONDUCTED WITH K-9 AND THE SAFARI VAN WAS LOCATED. IN THE SAME PARKING LOT, A MOTOR VEHICLE REGISTERED TO CHRISTIAN NAVOS' MOTHER WAS LOCATED, LICENCE PLATE HAS162 IS REGISTERED TO A 2006 HONDA ACCORD. NAVOS HAS BEEN STOPPED BY THE POLICE IN THIS VEHICLE BEFORE.

SURVEILLANCE CONDUCTED ON MIRABACH, HA AND NAVOS AFTER BEING RELEASED BY CST JOHNSTON LED INVESTIGATORS TO BELIEVE THAT IN FACT THEY LIED REGARDING THEIR DESTINATION, AS THE CULPRITS WALKED PAST THE RIVERBEND PUB TO A GRASSY AREA IN THE NEIGHBOURING COMMUNITY.

SURVEILLANCE IDENTIFIED THAT THE SUSPECTS RAN TO A WAITING VEHICLE, WERE TRANSPORTED TO A RESTAURANT AND THEN TOOK A TAXI TO THE SUNRIDGE MALL. WHEN THE TAXI PULLED UP TO THE DOORS OF THE MALL, ALL 3 OCCUPANTS SPRINTED FROM THE MOTOR VEHICLE AND OUT THE OPPOSITE SIDE OF THE MALL. SURVEILLANCE ON THE TARGETS WAS LOST.

THESE ACTIONS INDICATE COUNTER SURVEILLANCE TACTICS WHICH LEAD ME TO BELIEVE THE 3 WERE INVOLVED IN CRIMINAL ACTIVITY AND WERE TRYING TO PREVENT POLICE FROM IDENTIFYING THEIR RESIDENCES OR OBSERVE FURTHER ACTIONS.

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A COMPLETE FORENSIC EXAMINATION WAS REQUESTED AND I AM AWAITING RESULTS.

A/DET. J. HANDS #3238, TEU WILL STATE:

ON APRIL 29, 2009 I ATTENDED THE HOLD LOT OF THE MUNICIPAL IMPOUND LOT LOCATED @ 400 39 AVE SE WITH DET. SID PROCEE #2907.

THERE I EXAMINED THE GAS CAP AND DOOR OF A LIGHT BROWN GMC SAFARI, THE RELATED VEHICLE ON THE FILE; IT'S VIN ENDS IN 501834.

I CONDUCTED THIS EXAMINATION BY VIRTUE OF MY 6.5 YEARS' EXPERIENCE IN THE FCSU. THERE WERE NO PRINTS FOUND ON THE GAS CAP NOR THE DOOR.

CST.K.SUDYK 4269 WILL STATE:

I AM A SEARCH MANAGER WITH THE CALGARY POLICE SERVICE. ON MAY 10, 2009 I ORGANIZED AND MANAGED AN EVIDENCE SEARCH IN THE CARBURN PARK AND NEIGHBOURING RIVERBEND AREA INVOLVING 50 MEMBERS FROM CALGARY SEARCH AND RESCUE ASSOCIATION AS WELL AS 4 UNIFORMED MEMBERS FROM CALGARY POLICE SERVICE.

2 KITCHEN KNIVES, A MEDICAL CLAMP, A CELL PHONE SCREEN AND A CELL PHONE WERE LOCATED AND PASSED TO A/DET. J. HANDS FOR FOLLOW UP.

ON JUNE 10, 2009, I RETURNED TO THE AREA ALONG WITH 7 MEMBERS TO COMPLETE YARD SEARCHES OF 19 PROPERTIES NOT COMPLETED DURING THE PREVIOUS SEARCH. I COLLECTED ALL PAPERWORK AND FORWARDED IT TO A/DET.J. HANDS THRU THE CPS INTERNAL COURRIER.

C.P.O.JAMES MALONE, REG # 7113, WILL STATE:

AT APPROXIMATELY 1520 HRS ON 2010 11 15, I OBTAINED A DNA SAMPLE FROM NAVOS, CHRISTIAN JON, DOB: [REDACTED]

THE DNA SAMPLE WAS TAKEN PURSUANT TO AN ORDER ISSUED BY A JUDGE IN THE PROVINCE OF ALBERTA.

C.P.O. EVARISTO CRISTANCHO , REG # 11385, WILL STATE: AT APPROXIMATELY 11:35 HRS ON 2010-11-19, I OBTAINED A DNA SAMPLE FROM MIRABACK, ZACHARY MEGID, DOB: [REDACTED]

THE DNA SAMPLE WAS TAKEN PURSUANT TO AN ORDER ISSUED BY A JUDGE IN THE PROVINCE OF ALBERTA.

C.P.O. GARRY MCBRIDE, REG #7673, WILL STATE:

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AT APPROXIMATELY 1410 HOURS ON NOVEMBER 19, 2010, I COMPLETED THE DNA ENDORSEMENT PROCESS FOR HA, WAYNE , DATE OF BIRTH [REDACTED]

THE ENDORSEMENT WAS COMPLETED PURSUANT TO AN ORDER ISSUED BY A JUDGE IN THE PROVINCE OF ALBERTA.

CSU Member BS STURGEON Reg# 11545
Notebook # Page(s) #

WILL STATE:

2011-12-05; SEIZED EXPENDED CARTRIDGE CASES (ECC'S) TEST FIRED FROM EXHIBITS 457335 & 457337 AT THE CPS RANGE.

2011-11-06; ACQUIRED THE ECC'S INTO CIBIN BEFORE SECURING THEM IN THE WESTWINDS WEST EPU ROOM.

CSU Member BS STURGEON Reg# 11545
Notebook # Page(s) #

WILL STATE: "ON 2012/01/02 SEIZED EXPENDED SHOTSHELL CASES (ESC'S) TEST FIRED (TF) FROM EXHIBIT #457344 AT THE CPS RANGE. ON 2012-01-10 ACQUIRED THE TF ESC'S INTO CIBIN BEFORE SECURING THEM IN THE WESTWINDS WEST EPU.

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ON NOVEMBER 1, 2009, CHRISTIAN NAVOS WAS ARRESTED ON OUTSTANDING WARRANTS AFTER TURNING HIMSELF IN. CHARGES AGAINST NAVOS CONSIST OF 28 FIREARMS RELATED OFFENCES STEMMING FROM APRIL 1, 2009.

ON NOVEMBER 1, 2009, DET. CARRIERE #3281 AND DET. EIRIKSSON #3259 ATTENDED THE ANDREW DAVISON BUILDING, 10TH FLOOR, TO CONDUCT INTERVIEWS OF NAVOS IN REGARDS TO THIS OFFENCE.

AT 1552 HOURS, THE RECORDING EQUIPMENT FOR INTERVIEW ROOM A WAS INITIATED.

THE FOLLOWING IS A SUMMARY OF THE INTERVIEW.

DET. CARRIERE BEGAN AS THE PRIMARY INTERVIEWER. AFTER OBTAINING NAVOS' PERSONAL INFORMATION (FULL NAME, DOB), DET. CARRIERE ASKED NAVOS ABOUT HIS EMPLOYMENT, TO WHICH NAVOS WOULDN'T REPLY. DET. CARRIERE CHALLENGED NAVOS REGARDING HIS HOME ADDRESS, HOWEVER NAVOS MAINTAINED THAT HE LIVED AT HOME WITH HIS PARENTS. DET. CARRIERE ALSO ASKED NAVOS ABOUT ANY FAMILY RESPONSIBILITIES, AND NAVOS WOULDN'T RESPOND.

DET. CARRIERE THEN WENT THROUGH THE CHRONOLOGICAL INFORMATION OUTLINING THE FILE AND THE CASE AGAINST NAVOS. DURING THIS TIME, AND FOLLOWING QUESTIONS GIVEN TO HIM, NAVOS WOULD NOT RESPOND AND SHOWED LITTLE EMOTION.

TOWARDS THE END OF THE INTERVIEW, DET. CARRIERE TURNED THE QUESTIONING OVER TO DET. EIRIKSSON WHO ASKED NAVOS QUESTIONS REGARDING ANY JEOPARDY NAVOS MIGHT ANTICIPATE UPON BEING LODGED INTO CELLS AT REMAND AND AGAIN, NAVOS WOULD NOT RESPOND.

THE INTERVIEW ENDED AT 1715 HOURS.

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EXHIBITS

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SEIZED PAIR OF RUNNING SHOES FROM BILL LY.

SEIZED PAIR OF RUNNERS FROM DANNY (DANG) NGUYEN

ON NOVEMBER 6, 2009 AT 11:30 HRS CST. D. ALEXANDER #2937 ATTENDED TO THE CALGARY REMAND CENTER AND OBTAINED BLOOD DNA FROM NGUYEN, DANNY NGOC AS PER THE JUDGES COURT ORDER. DNA SUBMITTED TO THE NATIONAL DNA DATA BANK.

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WITNESS LIST

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POLICE WITNESSES

| Rank | Name | Reg# | Work Area | Phone |
|------|-------------------|-------|--------------------------|-------|
| | STURGEON, BS | 11545 | FORENSIC CRIME SCENE UNI | |
| CST | CHUDY, J | 4540 | DIST 6 TEAM 1 | |
| CST | DENTANDT, D | 3923 | DIST 8 TEAM 4 | |
| CST | HARWOOD, S | 3730 | DIST 7 SERGEANTS | |
| CST | JOHNSTON, C W | 3587 | DIST 6 TEAM 2 | |
| CST | MACARTHUR, RA | 4628 | DIST 6 TEAM 4 | |
| CST | NORMANDEAU, T | 4583 | LEAVE OF ABSENCE | |
| CST | ROBINSON, HNR | 4196 | DIST 6 TEAM 1 | |
| CST | SMITH, W.S | 3867 | S.H.O. PROGRAM | |
| CST | VAN CAEYZEELE, JR | 3466 | CALGARY CRIMINAL INTELLI | |
| CST | VELLA, DDR | 4312 | SCHOOL RESOURCE TEAM | |
| CST | VOTH, S.R | 4135 | DIST 6 TEAM 3 | |
| CST | WENINGER, SW | 4136 | DIST 2 TEAM 4 | |
| CST | WILLIAMS, DS | 3324 | CANINE UNIT | |
| DET | BUDD, C M | 3778 | ROBBERY UNIT | |
| DET | CARRIERE, KD | 3281 | HOMICIDE UNIT | |
| DET | GUICHON, DM | 2945 | ECONOMIC CRIMES UNIT | |
| DET | HOKO, T | 3003 | STRIKE FORCE UNIT | |
| DET | PROCEE, SA | 2907 | ALERT | |
| DET | RAHN, M D | 3096 | CALGARY CRIMINAL INTELLI | |
| SGT | LOTZER, DD | 3485 | DIST 8 SPECIAL DUTIES | |

CIVILIAN WITNESSES

| | Zn | Phone | Stmt |
|--------------------------------|----|-------|---------|
| Bus: | | | |
| Res: C/O CALGARY POLICE SERVIC | | | WRITTEN |
| Bus: | | | |
| Res: C/O CALGARY POLICE SERVIC | | | WRITTEN |
| Bus: | | | |
| Res: C/O CALGARY POLICE SERVIC | | | WRITTEN |
| Bus: | | | |
| Res: C/O CALGARY POLICE SERVIC | | | WRITTEN |

EXHIBIT 3

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SYNOPSIS

ON 09/04/01 AT APPROX. 1432 HRS, CALGARY POLICE RECEIVED A PHONE CALL FROM A RESIDENT IN THE RIVERBEND AREA WHO OBSERVED 2 MALES WALKING TOWARDS CARBURN PARK IN THE AREA NEAR 26 RIVERSIDE WY SE. THE CALLER STATED THAT ONE OF THE MALES WAS ATTEMPTING TO CONCEAL A RIFLE IN HIS JACKET.

POLICE RESPONDED AND BEGAN TO CIRCULATE THE AREA AND WHILE DOING SO CST ROBINSON ATTENDED TO THE PARKING LOT AREA OF CARBURN PARK IN THE 8900 BLOCK OF RIVERVIEW DR SE. A MALE APPROACHED CST ROBINSON AND BEGAN POINTING TO THE GREEN SPACE BEHIND THE PARKING LOT STATING HE OBSERVED TWO MALES RUNNING IN THE DIRECTION TOWARDS RIVERSIDE CL SE, ONE MALE WAS DRESSED IN ALL BLACK CLOTHING AND APPEARED ASIAN WITH SPIKEY HAIR.

CST SMITH LOCATED A GROUP OF 5 ASIAN MALES RUNNING NORTHBOUND OUT OF RIVERSIDE CL SE MINUTES LATER AND FOLLOWED THEM DOWN AN ALLEY WHERE HE APPROACHED THE GROUP BEHIND 27 RIVERSIDE CL SE AS THEY MATCHED THE DESCRIPTION UPDATED ON THE CALL.

CST JOHNSTON ARRIVED SHORTLY AFTER TO BACK UP CST SMITH AND BEGAN TO QUESTION THE GROUP AS TO WHAT THEY WERE DOING IN THE AREA. CST SMITH DETAINED A MALE, LATER IDENTIFIED AS DANNY (DANG) NGUYEN AND PLACED HIM IN HIS POLICE VEHICLE AS IT WAS DISCOVERED THAT A WARRANT WAS OUTSTANDING FOR NGUYEN'S ARREST ON A TRAFFIC OFFENCE.

CST JOHNSTON BEGAN TO CONDUCT CPIC CHECKS ON THE REMAINING FOUR (4) MALES AND NOTICED THAT ONE OF THE MALES WAS A KNOWN GANG MEMBER, BILL LY. AT THIS POINT BACKUP UNITS WERE REQUESTED AS THE MALES HAD NOT BEEN SEARCHED AND EARLIER INDICATION ON THE CALL WAS THAT A FIREARM WAS POSSIBLY INVOLVED. LY WAS ARRESTED ON AN UNRELATED TRAFFIC OFFENCE WARRANT BY CST HARWOOD AND CST CHUDY AND TRANSPORTED TO THE ARREST PROCESSING UNIT.

WHILE DEALING WITH THE MALES, OTHER CPS MEMBERS HAD LOCATED THE ACTUAL CULPRITS WITH A PELLET RIFLE IN CARBURN PARK. THESE MALES WERE FOUND NOT TO BE ASSOCIATED TO THE GROUP BEING CHECKED.

AT THIS POINT NOTHING FURTHER COULD BE DONE WITH THE REMAINING 3 OF THE 5 MALES AND THE FOLLOWING MALES WERE RELEASED AT THE SCENE:

| | | |
|------------------|------|------------|
| WAYNE HA | DOB: | [REDACTED] |
| CHRISTIAN NAVOS | DOB: | [REDACTED] |
| ZACHARY MIRABACK | DOB: | [REDACTED] |

SHORTLY AFTER CLEARING THE SCENE, CST JOHNSTON SPOKE TO CST SMITH WHO HAD INITIALLY DETAINED NGUYEN AND TRANSPORTED HIM TO 6 DISTRICT OFFICE TO DEAL WITH HIS WARRANTS.

CST SMITH STATED THAT HE HAD CONVERSATION WITH DET. PROCEE AND IT WAS DETERMINED THAT AN AREA SEARCH SHOULD BE CONDUCTED WHERE THE FIVE (5) MALES WERE DETAINED AS THEY MAY BE RESPONSIBLE FOR WEAPONS OFFENCES

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AND/OR HAVE A VEHICLE DUMPED IN THE AREA DUE TO THE FACT THEY WERE SEEN FLEEING THE AREA OF CARBURN PARK ON FOOT.

CST JOHNSTON RETURNED TO THE ALLEY BEHIND 27 RIVERSIDE CL SE AND AN AREA SEARCH WAS CONDUCTED UTILIZING FIVE CPS MEMBERS AND A K9 MEMBER. A TRACK LED TO THE DISCOVERY OF A PAIR OF BLACK WOOL GLOVES FOUND IN THE DIRECT VICINITY OF WHERE THE MALES HAD INITIALLY BEEN LOCATED BY CST SMITH. SOUTH OF THAT LOCATION BEHIND 7 RIVERSIDE CL SE WAS A PAIR OF MENS EXTRA LARGE BLACK TRACK PANTS WITH A WHITE STRIPE DOWN THE SIDES NEAR A GARBAGE CONTAINER. ALSO OBSERVED NEAR THE GARBAGE CONTAINER WERE FOOTPRINTS IN THE SNOW WHICH APPEARED TO BE OF NIKE SHOX FOOTWEAR WHICH HAVE A DISTINCTIVE SET OF FOUR (4) SHOCK ABSORBERS ON THE HEEL OF THE SHOE.

DURING THE ENTIRE TRACK THIS DISTINCTIVE PRINT ALONG WITH SEVERAL OTHER FOOTWEAR PRINTS WERE OBSERVED IN THE SNOW BY K-9 CST WILLIAMS AND OTHER MEMBERS PRESENT. CST DENTANDT OBSERVED WAYNE HA TO BE WEARING NIKE SHOX FOOTWEAR UPON HIS INITIAL DEALINGS WITH THE GROUP BEHIND 27 RIVERSIDE CL SE. AT #3 RIVERSIDE CL SE ON THE SOUTHEAST SIDE OF THE LAWN A PAIR OF GARDEN STYLE WOOL GLOVES, WHITE IN COLOUR WITH A YELLOW STRIPE AROUND THE WRIST OPENING WERE FOUND.

THE TRACK CONTINUED TO THE OPENING OF CARBURN PARK AND THROUGH THE GREEN SPACE LEADING TO THE PARKING LOT IN A SOUTHEAST DIRECTION. NEAR THE PARKING LOT NEAR IN THE NORTHEAST CORNER BEHIND A SILVER MINI VAN WHICH WAS BACKED INTO A STALL WAS A BLACK BALACLAVA LAYING IN THE GRASS. ALL THESE ITEMS WERE SEIZED BY CST DENTANDT AND HIS PARTNER.

THE SILVER MINI VAN WAS BEARING AB PLATE M17537 AND SHOWED REGISTERED TO A BUSINESS, HOWEVER NO VEHICLE PARTICULARS WERE ASSOCIATED TO THE PLATE. A CPIC QUERY WAS CONDUCTED ON THE VIN NUMBER AND THE VAN SHOWED AS A 2000 GMC SAFARI VAN, SILVER IN COLOUR. UPON LOOKING INSIDE THE VAN THROUGH THE PASSENGER SIDE WINDOWS A PIECE OF CARPET WAS FOLDED OVER IN THE MIDDLE AND THE BARREL OF A LONG RIFLE COULD BE SEEN IN PLAIN VIEW. OTHER MEMBERS PRESENT OBSERVED BODY ARMOUR IN THE REAR PART OF THE VAN, ALSO IN PLAIN VIEW. ON THE BACK SEAT A PAIR OF WHITE GARDEN STYLE GLOVES WITH A YELLOW RING AROUND THE WRIST AREA COULD BE SEEN.

IT ALSO APPEARED BEHIND THE DRIVER'S SEAT OF THIS VEHICLE THAT A BOX OF AMMUNITION WAS PLACED AT THE BASE OF THE SEAT.

GIVEN THE FACT THAT SOME OF THE MALES HAD BEEN OBSERVED RUNNING FROM THE PARKING LOT AREA EARLIER AND THE CLOTHING ITEMS LOCATED ALONG THE K-9 TRACK, AS WELL AS THE SIMILAR ITEMS LOCATED IN THE VAN AS WELL AS THE BODY ARMOR AND FIREARM THE VEHICLE WAS SEIZED AND CONTINUITY MAINTAINED FROM 1725 HRS UNTIL BEING TAKEN TO 75 HERITAGE RO SW FOR CRIME SCENES UNIT, CONTINUITY COMPLETED AT 1911 HRS BY CST VOTH AND VELLA.

ON 2009/04/02 A SEARCH WARRANT WAS EXECUTED ON THE SAFARI VAN AND A NUMBER OF FIREARMS WERE LOCATED INSIDE INCLUDING A REMINGTON MODEL 29 SHOTGUN (SAWED OFF), A REMINGTON 870 EXPRESS SHOTGUN, AN HK93 ASSAULT RIFLE, A SMITH & WESSON 40 CALIBRE HANDGUN (SERIAL NUMBER REMOVED), AND

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A GLOCK 17 9 MM HANDGUN. ALSO FOUND IN THE VEHICLE WERE FOUR PIECES OF BODY ARMOUR, SEVERAL BANDANAS, RECENTLY PURCHASED CLOTHING FROM WALMART (TAGS STILL PRESENT IN THE VAN), AND RUNNING SHOES.

UPON EXAMINING THE FIREARMS IT WAS DETERMINED THE TWO HANDGUNS AND THE ASSAULT RIFLE HAD EXTENDED MAGAZINES MAKING THEM A PROHIBITED DEVICE. THE SMITH & WESSON HANDGUN WAS SHORTER THAN THE MINIMUM REQUIRED LENGTH AND IS, THEREFORE, ALSO CONSIDERED A PROHIBITED FIREARM. THE SAWED OFF SHOTGUN IS CONSIDERED A PROHIBITED FIREARM.

BASED ON THE TRACK CONDUCTED BY CANINE THE SUSPICIOUS ACTIVITY OF THE CULPRITS, THEIR RELATED GANG ASSOCIATION, IT IS BELIEVED THAT THE FIVE CULPRITS PARKED THE VAN AND DEPARTED FROM IT A SHORT TIME PRIOR TO CPS RESPONDING TO THE UNRELATED INCIDENT. IT IS BELIEVED ALL FIVE WERE IN THE MOTOR VEHICLE, AND AS THERE WAS NO REAR BENCH SEAT, THE CULPRITS LITERALLY WOULD HAVE BEEN STANDING OR SITTING ON OR NEXT TO THE ASSAULT RIFLE AND THE TWO SHOTGUNS. THE CHEAP NEWLY PURCHASED CLOTHING AND SHOES INDICATE TO POLICE THAT THESE GARMENTS WOULD BE USED AS THROW AWAY CLOTHING IF THEY WERE INVOLVED IN A VIOLENT ACT USING THE FIREARMS.

DANG NGUYEN AND ZACHARY MIRABACK ARE BOTH PROHIBITED FROM POSSESSING ANY FIREARM IN RESPONSE TO CONVICTIONS UNDER THE CDSA AND CRIMINAL CODE RESPECTIVELY. ALL OTHER OCCUPANTS DID NOT POSSESS A FIREARMS LICENSE.

THE CRIME SCENES UNIT PROCESSED THE VAN AND HAS LOCATED SEVERAL FINGERPRINTS. THESE PRINTS HAVE BEEN FORENSICALLY COMPARED TO THE ACCUSED. DNA SWABS HAVE BEEN COLLECTED AND THE RESULTS ARE PENDING.

2009/04/30 DET CARRIERE #3281/TARGET: (11139)

A FINGERPRINT ANALYSIS CONDUCTED ON THE PLASTIC WAL-MART BAGS FOUND WITHIN THE VAN HAS DETERMINED THAT DANG NGUYEN WAS IN POSSESSION OF THOSE BAGS. CLOTHING TAGS WITHIN THE VAN HAVE BEEN IDENTIFIED AS COMING FROM WAL-MART AND DANG NGUYEN WAS CONFIRMED TO BE WEARING A SET OF SHOES CONSISTENT WITH THE MAKE AND SIZE OF THOSE SOLD BY WAL-MART.

A FOOTPRINT ALSO LOCATED ON THE WAL-MART BAG IS CONSISTENT WITH THE TREAD PATTERN OF THE FOOTWEAR WORN BY NGUYEN AT THE TIME OF HIS ARREST.

2009/09/29 - DET CARRIERE 3281 / TEU (8322)

ON 2009/05/08 FORENSIC ANALYSIS REPORTS THAT THE DNA OF DANG NGUYEN WAS PRESENT ON AN ARMOURED VEST, HOODIE AND BANDANA FOUND WITHIN THE SAFARI VAN. THE BLOOD ON THE LOWER PORTION OF THE SAME BALISTIC VEST WAS DETERMINED TO MATCH THE CAST OFF SAMPLE OF DNA OBTAINED FROM DARLENE BONTOGON, THE GIRLFRIEND OF DANG NGUYEN. IT IS BELIEVED THIS BLOOD WAS TRANSFERRED TO THE VEST WHEN BONTOGON WAS SHOT IN THE WINTER OF 2008 WHILE DRIVING WITH DANG ON DEERFOOT TR. (CROSS REFERENCE CASE # 08427769).

ADDITIONAL FORENSIC ITEMS SENT TO THE CRIME LAB INCLUDES WHITE GLOVES, A BLACK BALACLAVA, AND FIREARM SWABS. DNA PROFILES OBTAINED

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FROM THE GLOVES MATCHED THAT OF BOTH CHRISTIAN NAVOS, WAYNE HA, AND ZACHARY MIRABACK. THE BLACK BALACLAVA WHICH WAS FOUND IMMEDIATELY OUTSIDE THE REAR OF THE SAFARI VAN WAS DEEMED TO BE CONSISTENT WITH THAT OF MIRABACK. ANALYSIS OF THE BLACKBERRY WITHIN THE SAFARI VAN APPEARS THAT THE BLACKBERRY WAS REPORTED STOLEN TO ROGERS IN 2007. PRODUCTION ORDERS ON BOTH THE BLACKBERRYS AND THE CELL PHONE ARE STILL PENDING.

2009/10/22 DET CARRIERE #3281/TEU: (11139)

ON 2009/10/22 BOTH ZACHARY MIRABACK AND WAYNE HA WERE ARRESTED AT THEIR RESIDENCE AND TRANSPORTED TO THE ANDREW DAVISON BUILDING. ONCE INTERVIEWED THEY WERE TRANSPORTED TO THE ARREST PROCESSING SECTION AND CHARGED.

WARRANTS WILL BE ISSUED FOR CHRISTIAN NAVOS.

# EXHIBIT 4

## AFFIDAVIT

1  
2 United States Consulate      }  
3                                      }      §§  
4 Vancouver, Canada      }

5 Special Agent Jesse Miller, being first duly sworn on oath, deposes and states:

6        I am a Special Agent (SA) with the ICE-Homeland Security Investigations office at  
7 the U.S. Consulate in Vancouver, Canada, and that you were formerly in Blaine and the  
8 case agent in the investigation into Zachary and Brandon Miraback. As the case agent, I  
9 was involved in their arrests, involved in law enforcement questioning of them, and took the  
10 statements that the Miraback brothers gave when they cooperated with federal law enforcement. I  
11 know that Zachary Miraback testified under oath before a federal grand jury, that he entered a  
12 guilty plea, and that he was sentenced in the Western District of Washington in 2006 I also knew  
13 that the United States requested the extradition from Canada of Henry Carl Rosenau and that  
14 Zachary Miraback was one of the government's significant witnesses in that matter. I make this  
15 affidavit to set forth my contacts in Canada with Zachary Miraback after he completed  
16 his prison term and returned to Canada.

17        In the spring of 2009, I learned from Canadian law enforcement that Zachary Miraback  
18 had been identified as someone of interest in an investigation of illegal firearms in Calgary. I  
19 remained in contact with the Calgary Police detectives and learned that the police tests yielded  
20 DNA evidence linking Mr. Miraback to the firearms scene and that he was going to be brought  
21 into custody.

22        In late 2009 I met with Zachary Miraback in the presence of Calgary Police  
23 Service Detective Michael Shute to give him a letter, addressed to his attorney if he had  
24 counsel, from the United States Attorney's Office. A copy of the letter is attached to this  
25 affidavit. Mr. Miraback was unmoved upon reading the letter from AUSA Susan Roe.  
26 Mr. Miraback stated that he would not cooperate with me or Canadian law enforcement.

27        Mr. Miraback explained that the intent of my presence was to intimidate him into

1 talking, and that it was not going to work. In response to me telling him that the U.S.  
2 Government would pursue extradition, Mr. Miraback scoffed at me, and said "Good luck  
3 with that, I am in Canada now." I left Mr. Miraback a copy of the letter to give to his  
4 present or future attorney. Mr. Miraback's actions and words clearly indicated his lack  
5 of continued cooperation with the United States.

6 Since late 2009, I have learned that Zachary Miraback has been arrested or  
7 detained by Canadian police. Neither he nor any attorney on his behalf has contacted  
8 my office or the United States Attorney's Office to discuss continued or renewed  
9 cooperation.

10 On March 14, 2012, I reviewed my recollection of the meeting with Mr. Miraback, his  
11 statements with, and sent a draft of this affidavit to, Detective Michael Shute. He emailed me  
12 that, "after reading this Affidavit I can attest to its accuracy and that Mr. Zachary MIRABACK  
13 was completely unwilling to provide any assistance to the Canadian or United States Authorities. I  
14 agreed with the facts of this Affidavit as I have read it."

15   
16 JESSE MILLER  
17 Special Agent, ICE- Homeland Security Investigations

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CANADA )  
PROVINCE OF BRITISH COLUMBIA )  
CITY OF VANCOUVER, ) S.S.  
CONSULATE GENERAL OF THE )  
UNITED STATES OF AMERICA )

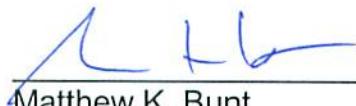
I, Matthew K. Bunt, Consul of the United States of America at Vancouver duly commissioned and qualified, do hereby certify that on this 15<sup>th</sup> day of **March**, **2012** before me personally appeared

\*\*\*JESSE MILLER\*\*\*

who acknowledged himself to be the individual described in, whose name is subscribed to, and who executed the annexed instrument, and being informed by me of the contents of said instrument he duly acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned.



IN WITNESS WHEREOF I have here unto set my hand and affixed the Seal of the Consulate General at Vancouver this 15<sup>th</sup> day of **March**, 2012.

  
Matthew K. Bunt  
Consul of the United States of America

  
This document consists of "3" pages



**U.S. Department of Justice**

United States Attorney  
Western District of Washington

Please reply to:  
Susan M. Roe  
Assistant United States Attorney  
Direct Line: (206) 553-1077

700 Stewart Street, Suite 5220 Tel: (206) 553-7970  
Seattle, Washington 98101-1271 Fax: (206) 553-4440  
[www.usdoj.gov/usao/waw](http://www.usdoj.gov/usao/waw)

November 5, 2009

Legal Counsel for  
Zachary Miraback  
Calgary, Alberta, Canada

Re: Extradition of Henry Rosenau  
Western District of Washington

Counsel for Mr. Miraback,

I am an Assistant United States Attorney in Seattle, Washington, handling long term investigations into drug trafficking, money laundering, and related criminal acts which occur in this District and elsewhere, generally involving the US-Canadian border. Your client, Zachary Miraback, was one of those prosecuted from these investigations. Another Canadian, Henry Rosenau, has been indicted and ordered extradited from Canada to face his charges. He currently is appealing that decision but we anticipate Mr. Rosenau's arrival in the United States within the next six months.

Your client, Zachary Miraback, has significant information about Mr. Rosenau's criminal activities as they smuggled drugs together. In fact, Mr. Miraback testified before a Federal Grand Jury telling about Mr. Rosenau's activities. That testimony was used in the Rosenau Extradition Request

As part of Mr. Miraback's Plea Agreement in the United States, he agreed to testify truthfully when requested by the United States and to continue cooperating. Mr. Miraback agreed to voluntary extradition to the U.S. and to an additional prison term if he failed to fulfill the terms of the Agreement. Further, he acknowledged that he could face a new federal indictment for Contempt of Court Order.

Counsel for Mr. Miraback  
page 2

His case is unusual in that he negotiated his sentence based on his continued cooperation. He agreed to certain sanctions, including more prison time and a new federal criminal charge (which may form an independent basis for extradition), if he broke the agreement. Moreover the government can move to withdraw from the agreement and reinstate his original five year minimum mandatory charge. That, too, is an extraditable offense.

I am asking you, his counsel, for your assistance in insuring that he satisfies the terms of his Plea Agreement. We can discuss the alternatives and I will be happy to send you copies of his court documents if you do not have those.

I look forward to hearing from you. Thank you for your attention to this.

Yours truly,

JENNY A. DURKAN  
United States Attorney

*/s/Susan M. Roe*  
SUSAN M. ROE  
Assistant United States Attorney

# EXHIBIT 5

**From:** Ken Carriere [mailto:KCarriere@calgarypolice.ca]  
**Sent:** Tuesday, March 13, 2012 5:54 AM  
**To:** Roe, Susan (USAWAW); Miller, Jesse; Hinckley, Jennifer E  
**Cc:** Tracey Lowey  
**Subject:** RE: a few more questions

Good Morning,

I have attached the investigation related to MIRABACK when he was investigated by myself and the Organized Crime Section of the Calgary Police Service. MIRABACK was spoken to by Spl Agent MILLER and Det. Michael SHUTE in relation to his level of cooperation with this investigation in addition to a homicide investigation (the murder of Matthew CHUBACK on January 13, 2009). Det. SHUTE has advised me that he did not cooperate with either investigation. MIRABACK remains of person of interest associated to the homicide.

I conducted the accusatory interview of MIRABACK in relation to his involvement in the attached file (possession of firearms). He refused comment.

I reviewed a recent CPS case where MIRABACK is listed as a known associate of an unknown culprit responsible for stabbing a patron in a Calgary bar. No charges are pending at this time in relation to MIRABACK. His involvement at this time is outlined below. This investigation is ongoing – CPS case file 12-045662 (report attached).

CST CARDINAL 3330 WILL STATE: ON 2012/02/05 AT APPROX 0220 HRS I RESPONDED TO A DISTURBANCE IN THE 800 BLOCK OF 8 AV SW. UPON ARRIVAL IN MY MARKED POLICE VAN, I OBSERVED SEVERAL PEOPLE MILLING ABOUT ON 8 AV. I OBSERVED AN ASIAN MALE HELPING A WHITE MALE WALK AWAY FROM THE SCENE OF

WHAT APPEARED TO BE A LARGE GROUP FIGHT. THE MALE BEING ESCORTED HAD A LARGE WELT ON HIS FOREHEAD. I IDENTIFIED THIS MALE AS ZACHARY MIRABACK DOB: [REDACTED] I DETAINED BOTH MALES AND CHARTERED AND CAUTIONED THEM FOR ASSAULT.

I PLACED THEM IN THE BACK OF MY POLICE VAN WHILE I CONDUCTED QUERIES. PRIMARY INVESTIGATOR WAS MADE AWARE OF THEIR POSSIBLE INVOLVEMENT AND SPOKE TO THEM BRIEFLY IN THE BACK OF MY VAN. AFTER IDENTIFYING TWO MALES AND NOT HAVING ANY FURTHER GROUNDS TO DETAIN THEM, BOTH MALES WERE RELEASED. I WAS LATER NOTIFIED BY CST FLYNN THAT TWO BOUNCERS INVOLVED IN THE FIGHT HAD POSSIBLY BEEN STABBED, HOWEVER IT WAS UNKNOWN AT THAT TIME WHO THE SUSPECTS WERE. I ADDED BOTH MALE'S INFORMATION TO THE CALL

AND RELEASED THEM AT THE SCENE.

In 2010 MIRABACK was arrested by CPS for two breaches of his probation Order.

I am unaware of anytime in the last 5 years when MIRABACK has assisted police when questioned.

I am awaiting the arrival of my Analyst who will be able to provide you the disposition of MIRABACK in relation to the Org. Crime charges. I am headed into an interview and will confirm she has obtained the information later this morning.

Thanks.

Det. Ken CARRIERE  
Calgary Police Service

## SUPERVISORS CHECKLIST FOR THE REPORT TO PROSECUTOR

Accused:

Primary Investigator: DET S.T. GRAHAM  
1 DISTRICT-GIUCase No: 12045662  
Reg#: 3802  
403-567-6100

Inspector:

Reg#:

	Attache
Report to Prosecutor (printout from CASE)	Y      N
All Witness Statements (always required)	Y      N
Statements of Other Persons with Information	Y      N
Police Notes and Will State (always required)	Y      N
Prisoner Observation Log (always required)	Y      N

Accused Statement:	Written <input type="checkbox"/>	Copy (always required)	Y      N
	Oral <input type="checkbox"/>	Copy of Notes (always required)	Y      N
		Copy of Tape	Y      N
		Summary of Taped Statement (always required)	Y      N

Photographs or Videos (describe: e.g. line-up, scene, surveillance)

1. _____	Y      N
2. _____	Y      N
3. _____	Y      N

Y.O.A.

If Yes	Notice to Parent	Y      N
	Waiver	Y      N

Driving Offence

If Required:	Suspended Driver (MOVES printout)	Y      N
	Breath/Blood Certificates (incl. check sheet)	Y      N
	Second Offender Notice	Y      N
	Accident Reports	Y      N
	Event Chronology (Criminal Driving Offences Only)	Y      N

Other Describe: (probation order, release documentation, affidavit)

1. _____	Y      N
2. _____	Y      N
3. _____	Y      N

CPIC/Criminal Record (attach even if negative)

Y      N

Explain any Missing Documentation/Remarks: \_\_\_\_\_

Supervisors Signature:

Reg#:

Date:

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REPORT TO PROSECUTOR COVER SHEET

Complaint#: 12045662

Complaint#: 12045662

Victim: [REDACTED]

Offenses: ASSAULT WITH WEAPON

Victim: [REDACTED]

Offenses: ASSAULT WITH WEAPON

Offence Date: 2012/02/05

Primary Investigator:

DET S.T GRAHAM  
DIST 1 GIU

3802  
403-567-6100

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## SYNOPSIS

Complaint #: 12045662

ON 2012/02/05 AT APPROXIMATELY 0200 HRS, A FIGHT BROKE OUT NEAR THE YELLOW NECTARINE (ALSO KNOWN AS TYN LOUNGE) LOCATED AT 815 8 AVE SW. SEVERAL UNKNOWN MALE OFFENDERS HAD CHASED ANOTHER MALE ACROSS THE STREET BEFORE JUMPING HIM AND THEN KICKING HIM PROFUSELY WHILE HE WAS ON THE GROUND (CASE # 12045782 REFERS).

SEVERAL DOOR STAFF FROM THE YELLOW NECTARINE, INCLUDING VICTIMS  
AND [REDACTED], RACED TO THE MALE'S AID. THE GROUP  
DISPERSED AND [REDACTED] PROCEEDED TO RETURN TO THE BAR.  
SEVERAL MALES FROM THE GROUP THEN CHASED THE PAIR BACK TOWARDS THE BAR  
AND AMBUSHED THE OUTSIDE PATIO TRYING TO GAIN ENTRY TO THE BAR THROUGH  
THE PATIO DOORS. A COUPLE OF THE MALES WERE ABLE TO GAIN ENTRY. ONE OF  
THE MALES HAD A KNIFE AND PROCEEDED TO WAVE IT AROUND IN A THREATENING,  
STABBING LIKE MOTION, AND BEGAN CHASING PEOPLE INSIDE THE BAR.

THE MALE STABBED [REDACTED] IN THE LEFT UNDERARM AND [REDACTED] IN THE RIGHT LOWER ABDOMEN. DOOR STAFF WERE ABLE TO CHASE THE ACCUSED OUT OF THE BAR BEFORE SECURING THE DOORS. THE ACCUSED AND HIS ASSOCIATES FLED IN AN UNKNOWN DIRECTION AND WERE GONE UPON POLICE ARRIVAL.

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INVESTIGATIVE DETAILS

Complaint #: 12045662

2012/02/05:

- WRITTEN STATEMENTS OBTAINED FROM SEVERAL BAR STAFF AND POTENTIAL WITNESSES WERE CANVASSED
- CCTV FOOTAGE VIEWED AND SEIZED OF THE INCIDENT. ALL OTHER FOOTAGE WILL BE KEPT ON THE SERVER FOR 5 DAYS (UNTIL 2012/02/10) AS PER BAR OWNER MIKE SANTOS
- DETAILS OF INDIVIDUALS POSSIBLY RELATED TO THE INCIDENT NOTED (MIRABALK & NHAN)
- CHECKED AREA FOR POSSIBLE SCENE/EVIDENCE - NEGATIVE RESULTS
- ATTENDED THE FOOTHILLS HOSPITAL AND LEFT BUSINESS CARDS, WITNESS STATEMENTS AND CONTACT INFORMATION WITH BOTH VICTIMS, [REDACTED] & [REDACTED] ADVISING THAT CST HASSEN WOULD BE VISITING THEM LATER IN THE DAY TO RETRIEVE THEIR WRITTEN STATEMENTS
- HAD CSU ATTEND THE FOOTHILLS HOSPITAL TO PHOTOGRAPH BOTH VICTIM'S INJURIES

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~~~~~ EVIDENCE LINKING ACCUSED ~~~~~

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DISCLOSURE CONCERNS

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~~~~~ STATEMENTS & WITNESS EVIDENCE Complaint #: 12045662 ~~~~~

CST FLYNN 4568 WILL STATE:

ON 2012/02/05 AT APPROXIMATELY 0220 HRS, I RESPONDED TO A DISTURBANCE COMPLAINT LOCATED AT 815 8 AVE SW. UPON ARRIVAL, I OBSERVED DOZENS OF INDIVIDUALS FLEEING THE AREA WHILE OTHERS STOOD AROUND AND IGNORED THE POLICE PRESENCE. I WAS INFORMED THAT A STABBING HAD OCCURRED, AND THE VICTIMS WERE INSIDE THE YELLOW TANGERINE BAR. I WENT INSIDE WITH SEVERAL OTHER OFFICERS AND FOUND THAT TWO DOOR STAFF ([REDACTED])

[REDACTED] HAD BEEN STABBED AFTER BREAKING UP A FIGHT INVOLVING 6-8 OFFENDERS AGAINST 1 VICTIM ACROSS THE ROAD FROM THE BAR. AFTER SPEAKING TO NUMEROUS INDIVIDUALS, I LEARNED THAT THE FIGHT AND THE STABBING, INVOLVED THE SAME GROUP OF MALES, HOWEVER IT WAS UNCLEAR OF WHAT EACH PERSON'S SPECIFIC INVOLVEMENT WAS.

I PREPARED TO GATHER WITNESS STATEMENTS FROM ANYONE WHO MAY HAVE SEEN WHAT HAD HAPPENED. WHILE GETTING STATEMENTS FROM MY VEHICLE, A DARK SUV PULLED UP AND THE DRIVER INDICATED THAT HIS FRIEND HAD BEEN JUMPED OUTSIDE THE BAR EARLIER. AFTER SPEAKING TO THE DRIVER, [REDACTED] AND TO THE VICTIM [REDACTED] (CASE #12045782 REFERS), I LEARNED THAT [REDACTED] WAS JUMPED BY 6-8 MALES, MOSTLY OF ASIAN DESCENT, AND THAT THE DOORSTAFF HAD COME OUT TO BREAK UP THE FIGHT. [REDACTED] FLED THE SCENE WITH [REDACTED] HOWEVER RETURNED ONCE POLICE WERE ON SCENE AS [REDACTED] WAS IN NEED OF MEDICAL ATTENTION. HE WAS BADLY BRUISED AND SWOLLEN WITH NUMEROUS LARGE BUMPS ON HIS HEAD, CONSISTENT WITH HIS STORY OF BEING KICKED AND PUNCHED EXCESSIVELY AND "JUMPED". ONCE [REDACTED] WAS RECEIVING THE MEDICAL ATTENTION HE REQUIRED BY EMS, I RETURNED TO GET A STATEMENT FROM HIS FRIEND AND THE OTHER OCCUPANTS OF THE VEHICLE, HOWEVER THEY HAD LEFT YET AGAIN. [REDACTED] STARTED HIS STATEMENT, HOWEVER STATED THAT HE COULDN'T WRITE AS HIS GLASSES WERE DAMAGED IN THE FIGHT AND HE COULDN'T SEE. I QUESTIONED HIM REGARDING THE INCIDENT, AND LEARNED THAT HE HAD LEFT THE BAR, WAS SWARMED BY THIS GROUP OF MALES, UNKNOWN TO HIM. HE ATTEMPTED TO RUN AWAY FROM THEM, HOWEVER THEY CAUGHT UP TO HIM ACROSS THE ROAD NEAR THE PARK AREA WHERE THEY PROCEEDED TO BEAT HIM, KICK HIM AND PUNCH HIM EXCESSIVELY AS A GROUP.

I RETURNED TO THE BAR AND VIEWED THE CCTV FOOTAGE WITH BAR OWNER [REDACTED]. THE VIDEO SHOWS AN UNKNOWN ASIAN MALE GAINING ENTRY THROUGH THE PATIO DOORS OF THE BAR, DESPITE STAFF EFFORTS TO KEEP HIM OUT. HE IS CHASING PEOPLE AND WAVING WHAT APPEARS TO BE A KNIFE AROUND. HE ATTEMPTS TO ATTACK SEVERAL PEOPLE AND MAKES CONTACT WITH [REDACTED]. HE DISAPPEARS FROM TIME TO TIME FROM THE FRAME, HOWEVER RETURNS MAKING THE SAME THREATENING MOTION, RUNNING TOWARDS AND RUSHING INDIVIDUALS IN THE BAR, BEFORE LEAVING THROUGH THE PATIO DOOR IN AN UNKNOWN DIRECTION. I SEIZED A COPY OF THE CCTV FOOTAGE AS EVIDENCE.

I ATTENDED THE FOOTHILLS HOSPITAL AND SPOKE TO BOTH VICTIMS, LEAVING THEM MY BUSINESS CARD AND BLANK WITNESS STATEMENTS. I INDICATED THAT SOMEONE WOULD BE BY THE FOLLOWING EVENING TO PICK UP THEIR STATEMENTS. I LEARNED FROM [REDACTED] THAT HE DIDN'T EVEN REALIZE HE HAD BEEN STABBED UNTIL THE BLOOD HAD SOAKED THROUGH HIS SHIRT, AND THAT HE HAD JUST TRIED TO KEEP THE GROUP OUT OF THE BAR BUT THE RUSHED THE PATIO, JUMPING OVER

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THE RAILING AND FORCING THROUGH THE DOOR. I LEARNED FROM [REDACTED] THAT THE GROUP OF MALES WHO HAD JUMPED [REDACTED] WERE MOSTLY OF ASIAN DESCENT, HOWEVER THERE WERE 1 OR 2 WHITE MALES AND A BROWN MALE, POSSIBLY EAST INDIAN AS WELL. HE INDICATED THAT HE REMEMBERED ONE OF THE WHITE MALES AND THE BROWN MALE AS THEY HAD BOTH PRESENTED THEIR PAROLE CARDS FROM DRUMHELLER AS PHOTO ID WHEN ENTERING THE BAR, STATING THEY HAD RECENTLY "GOTTEN OUT".

CST WARREN #4956 WILL STATE:

ON 2012 FEBRUARY 5 AT APPROXIMATELY 2:10 I ATTENDED 815 8 AVE SW WITH REGARDS TO A DISTURBANCE. AFTER ARRIVING ON SCENE TO FIND MOST PEOPLE WERE LEAVING THE SCENE, I WAS APPROACHED BY THE YELLOW NECTARINE BAR MANAGER [REDACTED] AND INFORMED ME THAT TWO OF HIS BAR MANAGERS HAD BEEN STABBED. I ENTERED THE BAR AND WAS APPROACHED BY TWO MALES SUFFERING FROM STAB WOUNDS. ONE OF THE VICTIMS TALKED WITH CO-WORKER CST. HASSEN, AS I TALKED WITH THE OTHER VICTIM [REDACTED]. AFTER TALKING WITH [REDACTED] I LEARNED, [REDACTED] AND OTHER FELLOW DOOR MAN AT THE YELLOW NECTARINE HAD RAN OUTSIDE TO BREAK UP A FIGHT IN WHICH A LONE MALE WAS BEING SWARMED BY A GROUP OF MALES. AFTER [REDACTED] AND FELLOW DOORMAN WERE BACK INSIDE AND NOTICED THE PATIO DOOR WAS BEING RUSHED BY AN UNKNOWN MALE DESCRIBED AS AN ASIAN MALE, 30-35 Y/O, 5'8"-5'9", SLIM BUILD, AT THIS TIME ENTRY WAS GAIN. THE MALE SUSPECT WAS VANISHING A KNIFE AND AS THE SUSPECT APPROACHED [REDACTED] HE TRIED TO KICK HIM AWAY FROM ATTACKING HIM, BUT WAS SUBSEQUENTLY STABBED IN THE LEFT POSTERIOR SHOULDER.

I ASSISTED [REDACTED] TO THE AMBULANCE, WHERE HE WAS ASSESSED AND TRANSPORTED TO FOOTHILLS MEDICAL CENTER. I TALKED WITH THE BAR OWNER [REDACTED] AND TRIED TO OBTAIN CCTV OF EVENT AND DESCRIPTION OF THE SUSPECT, BUT AT THE CURRENT TIME I WAS UNABLE TO GATHER THIS INFORMATION. I THEN OBTAIN A WITNESS STATEMENT FROM [REDACTED] WITH REGARDS TO THE INCIDENT.

[REDACTED] WITNESS, WILL STATE:

A FIGHT BROKE OUT IN FRONT OF TYN LOUNGE AND THE BOUNCERS WENT OUTSIDE. THAT'S ALL I SAW OUTSIDE. THERE WAS SCREAMING AND I HEAR "KNIFE!" AND EVERYONE WAS TRYING TO GET INSIDE. ONE BOUNCER TRIED TO STOP AND THE ASIAN GUY ABOUT 5'4", BLACK HAIR, SHORT LEATHER JACKET STABBED HIM IN THE BACK. EVERYONE RAN TO THE BACK AND THAT'S ALL I SAW. AT THAT TIME I CALLED 911. HE WAS THIN BUILD, EARLY 30'S, CLEAN SHAVEN, NO GLASSES AND HAD A 4' BLADE THAT LOOKED STRAIGHT EDGE SHAVING KNIFE WITH SILVER METAL.

[REDACTED], WITNESS, WILL STATE:

I CAME FROM THE MEN'S WASHROOM. I HEAR DOOR'S BANGING. THEN CAME TO THE PATIO DOOR. SAW ONE BOUNCER BEATING BY 3 GUYS SO I TRIED TO STOP THE

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FIGHT THEN ONE GUY HIT ME ON MY FACE TWICE. JUST SAW HIS FACE. HE'S A CHINESE GUY.

WITNESS & BAR MANAGER, WILL STATE:

I WAS STANDING BY THE PATIO DOORS WHEN THE BOUNCERS JUMPED UP ONTO THE PATIO TO GET INSIDE THE RESTAURANT BECAUSE THEY WERE BEING CHASED BY AN ASIAN MALE WITH A KNIFE. WE TRIED TO LOCK THE DOORS BUT THEY KICKED IT OPEN AND THEY GOT IN. AN ASIAN MALE STARTED CHASING THE BOUNCERS AROUND WITH A KNIFE.

I RAN IN THE WASHROOM FOR SAFETY. WHEN I GOT OUT, I FOUND OUT TWO OF THE BOUNCERS GOT STABBED. THAT'S WHEN I CALLED 911 FOR HELP.

FROM WHAT I KNOW, THE FIGHT STARTED ON THE STREET AND THE POOR MEN TRIED TO STOP IT AND THEY GOT INVOLVED WITH THE SITUATION.

WITNESS & DOOR STAFF, WILL STATE:

I SAW THE WHITE MALE (**WHO WAS TAKEN INTO POLICE CUSTODY UPON ARRIVAL**), ALONG WITH 6 OTHER PEOPLE BEATING A BLACK MALE. SO MYSELF, JESSE AND ANOTHER DOORMAN RAN TO BREAK UP THE FIGHT. AT THAT POINT THE FIGHT STOPPED. AS WE WERE WALKING BACK TO THE BAR, ANOTHER FIGHT BROKE OUT AND 3 ASIAN MALES RUSHED THE PATIO DOOR, BROKE THROUGH AND STARTED TO ASSAULT THE DOORMEN. AT THAT POINT I RAN FOR POLICE.

WILL STATE: ON SUNDAY 2012/02/05 AT APPROX 0220 HRS WE WERE CLOSING DOWN TYN LOUNGE WHERE I WORK AS A DOORMAN. SOMEONE SHOUTED THAT THERE WAS A FIGHT OUTSIDE AND I PROCEEDED OUT THE FRONT DOOR TO ASSESS THE SITUATION. ONCE OUTSIDE I SAW A LARGE NUMBER OF PEOPLE ENGAGED IN AN ALTERCATION THAT WAS RAPIDLY RECEDED INTO THE PARK ACROSS THE STREET. A BYSTANDER ASKED ME ABOUT THE INCIDENT AND WHEN I TURNED BACK FROM ANSWERING HIM, I SAW A WHITE MALE UNCONSCIOUS IN THE ROAD AND A NUMBER OF PEOPLE CLIMBING ONTO THE TYN PATIO.

I CLIMBED OVER THE RAILING IN AN ATTEMPT TO PREVENT THEM FROM GAINING ENTRY TO THE PREMISES OR HARMING OUR STAFF AND PATRONS. I WAS CONFRONTED WITH 3 OR 4 MALES ARMED WITH CHAIRS. ONE THREW A SIGN WHICH STRUCK ME IN THE FACE. THEN SOMEONE JUMPED ON MY BACK AND ATTEMPTED TO CHOKED ME OUT. I WAS KNOCKED TO THE GROUND AND KICKED REPEATEDLY IN THE HEAD.

SOME STAFF MANAGED TO PULL ME FREE AND WHEN I GOT TO MY FEET THE MALES WERE GONE. SOMEWHERE IN THE ASSAULT ONE OF THE MALES STABBED ME IN THE ABDOMEN.

CST HASSEN 4944 WILL STATE: ON 2012/02/05 AT APPROX 0218 HRS I ATTENDED 815 8 AV SW, KNOWN AS THE TYN LOUNGE, FOR A DISTURBANCE. WHEN I ARRIVED ON SCENE WITH MY PARTNER, THERE WAS A NUMBER OF PEOPLE FLEEING THE SCENE

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AND A NUMBER OF PEOPLE WHO DID NOT ACKNOWLEDGE POLICE PRESENCE. WHEN I STARTED TALKING TO PEOPLE ON SCENE, BAR MANAGER CAME OUT AND TOLD ME THAT TWO OF HIS STAFF HAD BEEN STABBED AND ARE INSIDE THE LOUNGE.

UPON ENTERING THE LOUNGE THE VICTIM [REDACTED] APPROACHED ME, STATING HE HAD BEEN STABBED IN THE ABDOMEN. MANAGER OF THE LOUNGE APPROACHED ME AGAIN AND STATED THAT ANOTHER ONE OF HIS EMPLOYEES HAD BEEN STABBED AND WAS IN THE BACK OF THE LOUNGE. CST WARREN ON SCENE, ATTENDED TO THAT STAFF MEMBER.

AT THAT POINT I RADIOED DISPATCH TO SEND TWO EMS UNITS TO OUR LOCATION. EMS ARRIVED AND I ESCORTED [REDACTED] TO THE AMBULANCE WITH PARAMEDICS. AS THEY ASSESSED HIM I NOTICED HE HAD STAB WOUND INJURY TO HIS RIGHT LOWER QUADRANT. [REDACTED] WAS CONSCIOUS AND ALERT ON DEPARTURE TO THE FOOTHILLS HOSPITAL. I GAVE HIM A WITNESS STATEMENT FORM AND ASKED HIM TO FILL IT OUT AND WE WOULD PICK IT UP FROM HIM THE NEXT DAY.

CSU Member CST CB ADOLPH Reg# 3895
NOTEBOOK # ONENOTE PAGE(S) #

WILL STATE: "ON 2012/02/05 AT 0507 HOURS, I ATTENDED THE FOOTHILLS HOSPITAL TO PHOTOGRAPH [REDACTED] INJURIES. I OBSERVED AND PHOTOGRAPHED THE FOLLOWING INJURIES:

- [REDACTED] - BED 79 @ EMERG
- LARGE LACERATION BY RIGHT UNDERARM APPROXIMATELY 6 CM IN LENGTH, LACERATION WAS STITCHED UP
- [REDACTED] - UNIT 44 MCCRAIG TOWER
- BRUISE AND SWELLING AROUND RIGHT EYE AND NOSE
- LARGE LACERATION TO LOWER RIGHT TORSO COVERED BY MEDICAL TAPE

CST CARDINAL 3330 WILL STATE: ON 2012/02/05 AT APPROX 0220 HRS I RESPONDED TO A DISTURBANCE IN THE 800 BLOCK OF 8 AV SW. UPON ARRIVAL IN MY MARKED POLICE VAN, I OBSERVED SEVERAL PEOPLE MILLING ABOUT ON 8 AV. I OBSERVED AN ASIAN MALE HELPING A WHITE MALE WALK AWAY FROM THE SCENE OF WHAT APPEARED TO BE A LARGE GROUP FIGHT. THE MALE BEING ESCORTED HAD A LARGE WELT ON HIS FOREHEAD. I IDENTIFIED THIS MALE AS ZACHARY MIRABACK DOB: [REDACTED] I DETAINED BOTH MALES AND CHARTERED AND CAUTIONED THEM FOR ASSAULT.

I PLACED THEM IN THE BACK OF MY POLICE VAN WHILE I CONDUCTED QUERIES. PRIMARY INVESTIGATOR WAS MADE AWARE OF THEIR POSSIBLE INVOLVEMENT AND SPOKE TO THEM BRIEFLY IN THE BACK OF MY VAN. AFTER IDENTIFYING TWO MALES AND NOT HAVING ANY FURTHER GROUNDS TO DETAIN THEM, BOTH MALES WERE RELEASED. I WAS LATER NOTIFIED BY CST FLYNN THAT TWO BOUNCERS INVOLVED IN THE FIGHT HAD POSSIBLY BEEN STABBED, HOWEVER IT WAS UNKNOWN AT THAT TIME WHO THE SUSPECTS WERE. I ADDED BOTH MALE'S INFORMATION TO THE CALL AND RELEASED THEM AT THE SCENE.

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ACCUSED STATEMENTS - VOIR DIRE Complaint#: 12045662  
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EXHIBITS

Complaint#: 12045662

- COPY OF CCTV FOOTAGE ON CD IN RAW FORMAT (X2)
- "GUEST LIST" FROM THE YELLOW NECTARINE

POL3281

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WITNESS LIST

Complaint #: 12045662

POLICE WITNESSES

| Rank | Name | Reg# | Work Area | Phone |
|------|--------------|------|----------------------|------------|
| CST | BASSETT, SB | 4705 | DIST 1 TEAM 3 | [REDACTED] |
| CST | CARDINAL, D | 3330 | DISTRICT 1 BEAT TEAM | [REDACTED] |
| CST | FLYNN, HN | 4568 | DIST 1 TEAM 5 | [REDACTED] |
| CST | HASSEN, AL | 4944 | DIST 1 TEAM 4 | [REDACTED] |
| CST | JAMES, LK | 4802 | DIST 1 TEAM 1 | [REDACTED] |
| CST | NICHOLSON, R | 4504 | DIST 1 TEAM 5 | [REDACTED] |
| CST | PHILLIPS, MM | 4935 | DIST 1 TEAM 2 | [REDACTED] |
| CST | WARREN, CA | 4956 | DIST 1 TEAM 4 | [REDACTED] |
| DET | GRAHAM, S.T. | 3802 | DIST 1 GIU | [REDACTED] |

CIVILIAN WITNESSES

| | | Zn | Phone | Stmt |
|------------------|----|------------|------------|---------|
| Bus: 815 8 AV SW | 12 | [REDACTED] | [REDACTED] | WRITTEN |
| Res: [REDACTED] | | | | |
| Bus: 815 8 AV SW | 12 | [REDACTED] | [REDACTED] | WRITTEN |
| Res: [REDACTED] | 71 | | | |
| Cel: [REDACTED] | | | | |
| Bus: 815 8 AV SW | 12 | [REDACTED] | [REDACTED] | WRITTEN |
| Res: [REDACTED] | 82 | | | |
| Bus: [REDACTED] | 82 | [REDACTED] | [REDACTED] | WRITTEN |
| Res: [REDACTED] | | | | |
| Bus: 815 8 AV SW | 12 | [REDACTED] | [REDACTED] | WRITTEN |
| Res: [REDACTED] | 52 | | | |
| Cel: [REDACTED] | | | | |
| Bus: [REDACTED] | 72 | [REDACTED] | [REDACTED] | WRITTEN |
| Res: [REDACTED] | | | | |